TO PROTECT THE MINERS

(Continued from page 1.)

from the date of such notice he shall be guilty of an offence against this ordinance.

(6) The commissioner, if satisfied that the owner, agent or manager has taken active measures for complying with the notice, but not with reasonable diligence been able to complete the works, may adjourn any proceeding taken before him for punishing the offense, and if the works are completed within a reasonable time no penalty shall be inflicted.

(7) No person shall be precluded by any agreement from doing such acts as are necessary to comply with the provisions of this section, or be liable under any contract to a penalty or forfeiture for doing such acts.

Sec. 8.—Where it appears to the commissioner that a formal investigation of any accident in any mine or in any matter connected with the working of any mine is expedient, the commissioner may direct the inspector to hold such investigation and with respect to any such investigation the following provisions shall take effect:

(1) The inspector shall make such inquiry in such manner and under such conditions as he thinks most conducive for the making of a full inquiry.

(2) The inspector for the purposes of his investigation shall have all the powers of a commissioner appointed under chapter 12 of the Consolidated Ordinances of the Northwest Territories as amended by the ordinances of the Yukon territory, and all the powers conferred upon the inspector by this ordinance nad as hereinafter or in addition thereto the following powers, viz.:

(a) Power to enter and inspect any mine, building or place, the entry or inspection of which appear to the inspector expedient;

(b) Power by summons signed by the inspector to require the attendance of any person and to require of such person such answers or returns to inquiries as the inspector thinks fit;

(c) Power to require the production of any book, paper or document which the inspector thinks important for such investigation;

(d) Power to administer an oath;

(3) Any person attending before the inspector in obedience to any such summons shall be allowed the same fees paid to a witness attending before a court in the territorial court;

(4) Any person who without reasonable excuse either fails to comply with any summons requiring him to attend before the inspector upon any such investigation or refuses to produce any document which he is required by the inspector to produce or wilfully obstructs or impedes the inspector while so engaged in such investigation, shall for each such offence be liable to a penalty not exceeding $400 or to imprisonment for a term not exceeding thirty days, and in addition thereto may be proceeded against in the territorial court as for a contempt of such court;

(5) The inspector shall make a report of such investigation which the commissioner shall cause to make public at such time and in such manner as he thinks fit;

(6) Any expense incurred in and about any such investigation shall be paid out of the territorial treasury.

Coroners' Inquests.

Sec. 9.—With respect to coroners' inquests on the bodies of persons whose deaths may have been caused by explosions or accidents in mines, the following provisions shall have effect:

(1) When a coroner holds an inquest on the body of any person whose death may have been caused by an explosion or accident, of which notice is required by this ordinance to be given to the commissioner or inspector, the coroner, whenever it is practicable, shall immediately notify the inspector for the district of his intention to hold such inquest and in the absence, non-arrival or non-attendance of the inspector, the coroner may adjourn such inquest whenever it is practicable to enable the inspector or some other properly qualified person appointed by the commissioner to be present to watch the proceedings.

(2) The coroner, at least four days before holding the adjourned inquest, shall send to the commissioner and to the inspector for the district notice in writing of the time and place of holding such adjourned inquest.

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

(4) The inspector, or such other person so appointed, or a person appointed by the workmen of the mine to which the explosion or accident occurred, shall be at liberty at any such inquest to examine any witness, but, nevertheless, to the order of the coroner.

(5) Where evidence is given at an inquest at which the inspector or any other person so appointed is present, of any neglect as having caused or contributed to the explosion or accident, or of any defect in or about the mine appearing to the coroner or jury, to require a remedy, the coroner shall send to the inspector notice in writing of such neglect or defect.

(6) Any person having a personal interest in or employed in, or in the management of the mine in which the explosion or accident occurred, or any relative of the deceased upon whose body the inquest is to be held shall not be qualified to serve on the jury empanelled on the inquest, or to act as coroner therein, and it shall be the duty of the constable or other officer not to summons 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 to sit on the jury.

(7) If, in the opinion of the inspector, it will lead to a more thorough investigation, and will be more conducive to the ends of justice, he may require the constable or other officer to summons as jurymen not more than three workingmen employed at any other mine than that at which the explosion or accident occurred, who shall form part of the jury sworn in such inquest.

(8) Every person who fails to comply with the provisions of this section shall be guilty of an offence against this ordinance.

Employment of Boys.

Sec. 10.—(1) No boy of or above the age of twelve years, and under the age of sixteen years, shall be employed either about or allowed to be for the purposes of employment in or about any mine below or above ground for more than 48 hours in any one week, or for more than 8 hours in any one day except in case of accident or emergency.

(2) For the purposes of this section a week shall be deemed to begin at midnight on Saturday night and to end at midnight on the succeeding Saturday night.

(3) No boy of or above the age of twelve years and under the age of sixteen years shall be permitted to work in or about any mine below or above ground unless he is able to read or write, and is familiar with the rules of arithmetic as far as and including division, and furnished a certificate to that effect from a duly licensed teacher or from the inspector of the district in which he is employed.

(4) Every such teacher and every such inspector shall, without requiring payment of any fee, upon the application of any boy desiring employment, make the necessary examination of the boy and grant him such certificate, if he is found to be entitled to the same, and any such teacher or inspector refusing to make such examination and grant such certificate shall be liable to a penalty not exceeding $20.

Payment of Wages.

Sec. 11.—No wages shall be paid to any person employed in or about any mine at or within any public house, beer shop or place for the sale of any spirits, beer, wine or other spirituous or fermented liquors.

Sec. 12.—Every person who contravenes or permits any person to contravene the provisions of the next preceding section shall be guilty of an offense against this ordinance, and in the event of any such contravention by any person whomsoever, the owner agent and manager shall each be guilty of an offense against this ordinance unless he proves that he had taken all reasonable means to prevent such contravention.

Shafts.

Sec. 13.—(1) The owner, agent or manager of a mine shall not employ any person in the mine or permit such person to be in the mine for the purpose of employment therein unless the following conditions respecting shafts or outlets are complied with, that is to say: Proper apparatus for raising and lowering persons at every shaft or outlet shall be kept on the works belonging to the mine, and such apparatus, if not in actual use at the shafts or outlets shall be constantly available for use. All buckets, tubs and other vessels in which goods and materials and other things are lowered in to or raised from the mine shall be safely attached to the rope cable or other means by which the same are lowered or raised so as to obviate all danger to persons beneath the same.

(2) Every owner, agent or manager who acts in contravention of or fails to comply with this section shall be guilty of an offense against this ordinance.

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

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

(5) No person shall be precluded by any agreement from doing such acts as are necessary to comply with the provisions of this ordinance or be liable under any contract to any penalty or forfeiture for doing such acts as are necessary in order to comply with the provisions of this ordinance.

Sec. 14.—When in or about any mine whether above or below ground either:

(a) Loss of life or any other personal injury to any person employed in or about the mine occurs by reason of any explosion of gas, powder or other explosive of gas, powder or other explosive, or of any steam boiler; or,

(b) Loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever, the owner, agent or manager of the mine, shall within twenty-four hours next after the explosion or accident, send notice in writing of the explosion or accident, of the loss of life or personal injury occasioned thereby to the commissioner and to the inspector for the district, and shall specify in such notice the character of the explosion or accident, and the number of persons killed or injured, and as soon after as possible, and before the end of each year, a return of facts relating to such accident or explosion in the form given in the schedule to this ordinance.

4(c) Where any personal injury where notice is required to be sent under this section results in the death of the person injured, notice in writing of the death shall be sent to the commissioner and to the inspector for the district within twenty-four hours after such death comes to the knowledge of the agent, owner or manager;

(d) Every owner, agent or manager who fails to act in compliance with this section shall be guilty of an offense against this ordinance.

Sec. 15.—In any case:

(a) Whenever any change occurs in the name of the owner, agent or manager of any mine or in the offices of any incorporated company which is the owner of any such mine; or

(b) Where any working is commenced for the purpose of opening any such mine; or

(c) Where any mine is abandoned or the working thereof discontinued; or

(d) Where the working of a mine is recommended after the abandonment or discontinuance for a period not exceeding two months, the owner, agent or manager of such mine shall give notice thereof to the commissioner within two months after such commencement, abandonment, discontinuance, recommencement or change; and if such notice is not given the owner, agent or manager shall be guilty of an offense against this ordinance, provided that this sub-section shall not apply to placer mines.

Abandoned Mines.

Sec. 16.—Where any mine is abandoned or the working thereof discontinued, at whatever time such abandonment or discontinuance occurs the owner thereof any every other person interested in the mineral of such mine shall cause the top of the shaft and any side entrance from the surface to be and to be kept securely fenced for the prevention of accidents, provided that:

(a) Subject to any contract to the contrary the owner of the mine shall, as between himself and any other person interested in the minerals of the mine, be liable to carry into effect this section and to pay the costs incurred by any other person interested in the minerals of the mine in carrying this section into effect; and,

(b) Nothing in this section shall exempt any person from any liability under any other ordinance, act, law or otherwise.

(c) If any person fail to act in conformity with this section he shallbe guilty of an offense against this ordinance.

General Rules.

The following general rules shall be observed so far as is reasonably practicable in every mine:

Rule 1.—An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless noxious gases to such an extent that the working places of the shaft, levels and workings of the mine shall be in a fit state for working and passing therein.

Rule 2.—All entrances to any place of a mine 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.

Rule 3.—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, each workman shall be withdrawn from the mine of such part thereof as is so found dangerous, and no workman shall, except in so far as is necessary for inquiring into the cause of danger or for the removal thereof or for exploration be re-admitted into the mine or such part thereof as is so found dangerous until the same is made safe.

Rule 4.—The following provisions shall relate to the use of any explosive in a mine:

(a) It shall not be stored in a mine;

(b) It shall not be taken into the mine except in a secure case or canister containing not more than six pounds;

(c) A workman shall not have or use at any one time in any one place more than one of such cases or canisters.

Rule 5.—Every underground plane on which persons travel when the produce of the mine is carried by cars which are self-acting or worked by an engine, windlass or gin, shall be provided (if exceeding thirty yards in length) with some proper means of communicating distinct and definite signals 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 manholes for places of refuge, and every back or counter balance used for raising or lowering minerals, if exceeding thirty yards in length, unless it shall be exempted in writing by the inspector, shall be provided with some proper means of communicating distinct and definite signals between the lower end and between the entrance of every working place thereon for the time being in work and the upper end thereof.

Rule 6.—(a) Every rode on which persons travel underground where the produce of the mine in transit exceeds ten tons in every one hour over any part thereof and where the load is drawn by a horse or other animal, shall be provided, where there is not standing room of at least two feet, at intervals of not more than twenty-five yards, with sufficient man-holes or places of refuge, and every such place of refuge shall be of sufficient length and of at least three feet in width between the wagons running on a tramroad and the side of such road.

(b) Where the load is drawn by machinery or other mechanical appliances and there is not standing room of at least two feet there shall be provided at intervals of not more than fifteen yards sufficient manholes or places of refuge, and every such place of refuge shall be of sufficient length and of at least three feet in width between the wagons running on the tramroad and the side of such road.

(c) Whenever in the opinion of the inspector the precautions required by this rule with respect to roads over which the produce of the mine is drawn by machinery or other mechanical appliances are not sufficient for the safety of the men travelling thereon, he may require the owner, agent or manager of such mine to provide a separate travelling road.

Rule 7.—Every man-hole and every place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or place of refuge so as to prevent access thereto.

Rule 8.—The top of every shaft which for the time being is out of use or used only as an air shaft shall be kept securely fenced.

Rule 9.—Where the natural strata are not safe every working or pumping shaft shall be securely cased, lined or otherwise made secure.

Rule 10.—The roof and sides of every travelling road and working place shall be made secure and a person shall not unless appointed for the purpose of exploring or repairing travel or work in any such travelling road or working place unless the same is so made secure.

Rule 11.—Every working shaft used for the purpose of drawing minerals or for the lowering or raising of persons shall, if exceeding fifty yards in depth and not exempted in writing by the inspector, 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 use between the surface and the bottom of the shaft to the surface and from the surface to the bottom of the shaft.

Rule 12.—A sufficient cover over head shall be used for every cage or tub employed in lowering or raising persons in any working shaft, except where the cage or tub is worked by a windlass or where persons are employed at work in the shaft or where a written exemption is given by the inspector.

Rule 13.—Single linked chain shall not be used for lowering or raising persons in any working shaft or place except for the short coupling chain attached to the cage or load.

Rule 14.—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 are sufficient to prevent the rope from slipping.

Rule 15.—There shall be attached to every machine worked by steam, water or mechanical power and used for lowering or raising an adequate brake and also a proper indicator, in addition to any mark on the rope, showing to the person who works the machine the position of the cage or load in the shaft.

Rule 15.—Every fly-wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be and be kept securely fenced.

Rule 17.—Every steam boiler shall be provided with a proper steam guage and water guage to show, respectively, the pressure of steam and the height of water in the boiler and with a proper safety valve.

Rule 18.—A ladder permanently used for the ascent and descent of persons into the mine shall not be fixed in a vertical or overhanging position, but shall be inclined at the most convenient angle which the space in which the ladder is fixed allows; and every such ladder shall have substantial platforms at intervals of not more than twenty yards.

Rule 19.—If more than twelve persons are ordinarily employed in the mine below ground sufficient accommodation shall be provided above ground near the principal entrance of the mine and not in the engine room or boiler room for enabling the persons employed in the mine to conveniently and with comfort dry and change their dresses.

Rule 20.—No person shall wilfully damage or without proper authority remove or render useless any fence, fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam guage, water guage, safety valve or other appliance or thing provided for any mine in compliance with this ordinance.

Rule 21.—Every person shall observe such directions with respect to working as are given to him with a view to comply with this ordinance or any special rules in force under this ordinance in the mine.

Rule 22.—A competent person or persons who shall be appointed for the purpose shall once at least in every twenty-four hours examine the state of the external parts of the machinery, and the state of the headgear working places, levels, planes, ropes, chains and other works of the mine which are in actual use and once at least in every week shall examine the state of the shafts by which persons ascend or descend and the guides and conductors therein.

Rule 23.—Persons employed in a mine may from time to time appoint two of their number to inspect the mine at their own cost, and the persons so appointed shall be allowed once at least in every month, accompanied, if the owner, agent or manager sees fit, by himself or one or more of the officers of the mine to go to every part of the mine and to inspect the shafts, levels, planes working places, return air-ways, ventilating apparatus, old workings and machinery, and shall be afforded by the owner, agent or manager, and all persons in the mine every facility for the purposes of such inspection, and shall make a true report of the result of such inspection and such report shall be recorded in the book to be kept at the mine for the purpose, and shall be signed by the person who makes the same.

Rule 24.—The majority of the workmen at any mine may appoint a person to examine the seat of any accident resulting in the death or injury of any person.

(a) Every person who does not comply with or contravenes any of the general rules of this section shall be guilty of an offense against this ordinance, and in the event of any non-compliance with or contravention of such general rules in the case of any mine by any person whomsoever being proved the owner, agent or manager, shall each be guilty of an offense against this ordinance unless he proves that he had taken all reasonable means to prevent such non-compliance or contravention by publishing and to the best of his power enforcing the said rules and regulations for the working of the mine.

(b) The commissioner may from time to time make such additional rules as in his opinion may appear necessary to better secure the safety of persons engaged in or about any mine, and non-compliance with or contravention of any rule so made shall be deemed non-compliance with or contravention of a general rule under this section, provided shat rules 6, 13, 15, 16, 18, 22, and 23 shall not apply to placer mines.

Notices.

All notices required by this ordinance shall be in writing or print or partly in writing and partly in print, and all notices and documents required by this ordinance to be served or sent by or to the commissioner or inspector may be either delivered personally or served and 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 proving such service or sending it shall be sufficient proof that the letter containing the notice was properly addressed and put in the post.

Penalties.

Every person employed in or about a mine other than an owner, agent or manager, who is guilty of any act or omission which in the case of an owner, agent or manager would be an offense against this ordinance shall be guilty of an offence against this ordinance.

(1) Every owner, agent or manager, who is guilty of an offense against this ordinance shall be liable to a penalty not exceeding $200.

(2) If such offense is committed or continued after notice thereof given by the inspector, a further penalty of $25 for each violation or for each day that such violation continues after such notice shall be imposed.

(3) Every person other than an agent, owner or manager, who is guilty of an offense against this ordinance shall be liable to a penalty of $50.

(4) No prosecution shall be instituted against any owner, agent or manager for an offense against this ordinance except;

(a) By the inspector; or,

(b) With the consent in writing of the commissioner; or,

(c) By some person appointed by the commissioner; or,

(d) By some person employed in or about the mine in respect to which the offense was committed appointed in writing to institute such prosecution by not less than ten persons so employed.

(5) If it appears that a boy was employed on the representation of his parent or guardian that he was of the age at which his employment would not be a contravention of this ordinance, and under the belief in good faith that he was of such age, the owner, agent or manager, of the mine shall, notwithstanding that the boy was not of such age, be exempt from any penalty in respect to such employment, and the parent or guardian shall for the misrepresentation be deemed guilty of an offense against this ordinance.

(6) If any prosecution or other procedure against an owner, agent or manager for an offense against this ordinance such owner, agent or manager shall be discharged if he proves to the satisfaction of the tribunal before which the same is tried that he took all reasonable means to prevent the commission of such offense.

(7) Any complaint or suit made or brought in pursuance of this ordinance or made or brought within six months from the time when the matter of such complaint or suit came to the knowledge of the prosecutor.

(8) The procedure and other provisions of the criminal code of Canada, 1892, and amending acts relating to summary conviction shall apply to every case in which any person commits or is suspected of having committed any offense for which a penalty is provided by this ordinance.

(9) Where a penalty is imposed under this ordinance for neglecting to send a notice of any explosion or accident or for any offense against this ordinance which has occasioned loss of life or personal injury, the commissioner may, if he thinks fit, direct such penalty to be paid to or distributed among the persons injured and the relatives of any person whose death has been occasioned by such explosion, accident or offense, or among some of them.

Provided, that such person did not in his opinion occasion or contribute to occasion the explosion or accident and did not commit and were not parties to the commission of the offense. Except as in this ordinance otherwise provided, all penalties imposed in pursuance of this ordinance shall be paid on receipt of the same into the territorial treasury.

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SOCIETIES.

THE REGULAR COMMUNICATION OF Yukon Lodge, No. 79, A. F. & A. M. will be held at Masonic hall, Mission street, monthly, Thursday on or before full moon, at 8:00 p. m.

C. H. WELLS, W. M.
J. A. DONALD, Sec'y.

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WINTER TIME TABLE—STAGE LINES
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Going into effect Nov. 11, 1901
FOR GOLD RUN AND CARIBOU via. Carmack's and Dome . . . . . 9 a. m.
FOR GRAND FORKS . . . 9 a. m., 1 p. m. and 5 p. m.
FOR 83 BELOW LOWER DOMINION, Chase's Roadhouse, via Hunker Creek, 9:30 a. m.
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