

cise of any such power, duty or authority until the order of the court is entered.

Section [8] 9. Nothing contained in this act shall be construed to prohibit or prevent the operator and the miners collectively at any time from contracting for any method of measuring or weighing coal.

Act of June 1,
1883 (P. L. 52),
repealed.

Section [9] 10. The act approved the first day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, fifty-two), entitled "An act to protect miners in the bituminous coal regions of this Commonwealth," and the amendments thereto, is hereby repealed.

When effective.

Section [10] 11. This act *as amended* shall become effective immediately upon final enactment.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 464

AN ACT

To further amend the act, approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, seven hundred fifty-six), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania, and for the protection and preservation of property connected therewith," and repealing inconsistent acts.

Section 1 of
article 1, act of
June 9, 1911
(P. L. 756),
amended.

Section 1. Be it enacted, &c., That section one of article one of the act, approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, seven hundred fifty-six), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania, and for the protection and preservation of property connected therewith," is hereby amended to read as follows:

Definitions.

Section 1. Be it enacted, &c., That for the purposes of this act the terms and definitions contained therein shall be as follows:

Mine.—In this act the term "mine" includes the shafts, slopes, drifts, or incline planes connected with excavations penetrating coal stratum or strata, which excavations are ventilated by one general air current, or divisions thereof, and connected by one general system of mine railroads over which coal may be delivered to one or more points outside the mine, when such is operated by one operator.

Excavations and Workings. — The term "excavations and workings" includes all the excavated portions of a mine, those abandoned as well as the places actually being worked; also all underground workings and shafts, tunnels, and other ways and openings, and all such shafts, tunnels, and other openings in the course

of being sunk or driven, together with all roads, appliances, machinery, and material connected with the same below the surface.

Shaft.—The term “shaft” means a vertical opening through the strata that is or may be used for the purpose of ventilation or drainage, or for hoisting men or material, or both, in connection with the mining of coal.

Slope.—The term “slope” means an incline or opening used for the same purposes as a shaft.

Operator.—The term “operator” means any firm, corporation or individual operating any coal-mine, or any part thereof.

Superintendent. — The term “superintendent” means the person who shall have, on behalf of the operator, immediate supervision of one or more mines.

Mine Foreman.—The term “mine foreman” means the person whom the operator or superintendent shall place in charge of the inside workings of the mine and of the persons employed therein.

Inspector.—The term “inspector” means the person commissioned by the Governor to have supervision of mines as hereinafter prescribed.

Bituminous Mines. — The term “bituminous mines” shall include all coal-mines in the State not now included in the anthracite boundaries; and whenever the term “mine” appears in this act it shall be construed to mean “bituminous coal-mine.”

Approved Safety Lamp.—The term “approved safety lamp” shall mean any bonneted safety lamp approved by the [Department of Mines] *Secretary of Mines*.

Approved Electric Lamp.—The term “approved electric lamp” shall mean any electric lamp approved by the *Secretary of Mines*.

Section 2. That section six, of article two of said act, is hereby amended to read as follows:

Section 6. Whenever a mine is [worked-out or] abandoned *indefinitely or permanently*, the operator or the superintendent shall *notify the inspector of the district at once, and shall*, within sixty days thereafter, extend the inspector’s map to show clearly all worked-out or abandoned territory, with all property and boundary lines and elevations, as required in section one of this article.

The owner or the operator of [the] a *permanently* abandoned mine shall also, within sixty days after its abandonment, send to the Department of Mines a tracing or print of said complete original map, which shall be kept in the department as a public document. The mining engineer or surveyor shall certify that said tracing or print is a true and correct copy of the original map of said mine, and that the original map is a true,

Section 6 of article 2 amended.

When mine is worked-out or abandoned.

complete, and correct map and survey of all the excavations made in said *permanently* abandoned mine.

Sections 2, 3, 6
and 8 of article
3 amended.

Section 3. That sections two, three, six, and eight, of article three of said act, are hereby amended to read as follows:

Superintendent
shall direct com-
pliance with the
law.

Section 2. The superintendent shall not obstruct the mine foreman or other officials in the fulfillment of any of their duties as required by this act, but he shall direct, *provide the means, and see to it* that the mine foreman and all the other employees under him comply with the law in all its provisions, especially when his attention is called by the inspector to any violation of the law. At any mine where a superintendent is not employed, the duties that are herein prescribed for the superintendent shall devolve upon the mine foreman, in addition to his regular duties.

Danger signals.

Section 3. The superintendent of every mine shall provide a sufficient number of danger signals, upon request of the mine foreman, which the mine foreman or the assistant mine foreman shall distribute in the mine at places convenient for the use of the fire bosses in the fulfillment of their duties. Danger signals in all mines shall be uniform, and of a design approved by the [Chief of the Department of Mines] *Secretary of Mines*. All danger signals shall be kept in good condition, and no defective signal shall be allowed to remain in any mine.

Safety catch.

Section 6. The superintendent shall provide a safety catch, or other safety device, to be placed on the rear end of the rear car of full trips that are being hoisted up slopes, and he shall also provide [suitable] signals, *approved by the Secretary of Mines*, to be [placed on the rear end of the rear car of all trips hauled] *carried on the last car of all trips pulled and the first car of all trips pushed* in the mines by locomotives of any kind. *He shall also provide head lights, alarm bells, and re-railing devices, for all locomotives used in mines; and it shall be the duty of the superintendent to see to it that such safety devices and signals are placed and used in the manner stated.*

Signals.

Notice of
occurrences.

Section 8. The operator or the superintendent of every mine shall within thirty days thereafter, send to the inspector notices of the following occurrences:

[First. When a mine has been abandoned, or the working thereof discontinued.]

[Second.] *First*. When any work has commenced for the purpose of opening a new mine.

[Third.] *Second*. When the working of a mine is resumed after an abandonment or a discontinuance for a period exceeding two months.

[Fourth.] *Third*. When any change occurs in the

name of a mine, or in the name of the operator of a mine, under the provisions of this act.

Section 4. That section one, of article four of said act, as amended by section two of the act, approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred sixteen), is hereby further amended to read as follows:

Section 1 of article 4 as amended by section 2 of act of June 1, 1915 (P. L. 716), further amended.

Section 1. In order to secure efficient management and proper ventilation of the mines, to promote the health and safety of the persons employed therein, and to protect and preserve the property connected therewith, the operator or the superintendent shall employ a competent and practical mine foreman for every mine where [ten] *five* or more persons are employed, who shall be under the supervision and control of the operator *or the superintendent*. The mine foreman shall have full charge of all the inside workings and the persons employed therein, subject, however, to the supervision and control of the operator *or the superintendent*, in order that all the provisions of this act so far as they relate to his duties shall be complied with, and the regulations prescribed for each class of workmen under his charge carried out in the strictest manner possible. If the mine is generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, the mine foreman must possess a first grade mine foreman's certificate. [or be a person who, in the judgment of the operator, is a person equally competent with the holders of such certificates.] If the mine is non-gaseous, the mine foreman must possess either a first grade mine foreman's certificate or a second grade mine foreman's certificate. [or be a person who, in the judgment of the operator, is equally competent with the holders of such certificates.]

Mine foreman.

When the mine workings become so extensive that the mine foreman is unable personally to carry out the requirements of this act pertaining to his duties, he shall have the right to employ a sufficient number of competent persons to act as his assistants, who shall be under his instructions and the operator's *or the superintendent's* instructions in carrying out the provisions of this act. If the mine is generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, the mine foreman's assistants must possess first grade assistant mine foreman's certificates. [or be a person who in the judgment of the operator is equally competent with the holders of such certificates.] *If the mine is non-gaseous, the mine foreman's assistants must possess either a first grade assistant mine foreman's certificate or a second grade assistant mine foreman's certificate.*

In case of the necessary temporary absence of the

mine foreman, he may deputize his work, for the time being, to his assistant, who shall perform all the duties of the mine foreman. [and the] *The* right to hire and discharge employes, the management of the mine, and the direction of the working forces, are vested exclusively in the operator; and no person or persons, association or associations, organization or organizations, corporation or corporations, shall interfere with or attempt to interfere with, abridge or attempt to abridge, in any manner whatsoever, such right: Provided, That this act shall not invalidate any existing contract.

Sections 6, 7 and 8 of article 4 amended.

Section 5. That sections six, seven, and eight of article four of said act, are hereby amended to read as follows:

Section 6. The mine foreman shall direct and see that every working place is properly secured by props or timbers, and shall see that no person is directed or permitted to work in an unsafe place, unless it be for the purpose of making it safe. He shall also see that [the workmen are provided with sufficient props, cap-pieces, and timbers of suitable size, which shall be delivered at the working faces, or as near thereto as they can be conveyed in mine cars, when requested by the workmen, in accordance with section seven of this article] *workmen are provided with sufficient props, cap-pieces, timbers, lagging and wedges, all of which shall be reasonably suitable in size and delivered to their working place or places.* He shall also see that props are cut square at both ends, and as near as practicable to the proper length required or designated for the place where they are to be used. *Moreover he shall see that ties and rails are delivered inside the entrance to the working place or places in which they are to be used.*

Props or timbers.

Order for roof supports, etc.

Section 7. Every workman in need of [props,] *roof supports, including wedges, cap-pieces, [and timbers] and lagging* shall notify the mine foreman or the assistant mine foreman (or any other person delegated by the mine foreman) of the fact, at least one day in advance, giving the number, size, and length of [props, cap-pieces, and timbers] *roof supports, the number of wedges and cap-pieces, as well as the quantity of lagging* required. In case of emergency, [the timber] *any or all of the material herein named* may be ordered immediately upon the discovery of danger. If for any reason the necessary [timbers] *material* cannot be supplied when required, the mine foreman or assistant mine foreman shall instruct the workmen to vacate the place until the [timber] *material* needed is supplied.

The place and manner of leaving the order for [props, cap-pieces, and timbers] *roof supports, including wedges, cap-pieces, and lagging*, shall be designated and specified in the rules of the mine.

Section 8. The mine foreman shall see that on all animal [and mechanical] hauling roads *in entries driven after the passage of this amendment*, holes for shelter shall be cut into the strata, not less than [two and one-half] *four* feet deep and *not more than* four feet wide, and level with the road, at least every thirty yards, and kept whitewashed and clear of obstruction; except in entries from which rooms are driven at regular intervals not exceeding ninety feet: Provided, That the entrance to each room be kept clear of obstruction for a distance of [three] *six* feet. On all [main] hauling roads, *in entries driven after the passage of this amendment*, on which hauling is done by machinery, shelter holes shall be cut into the strata, not less than [two and one-half] *four* feet deep and [at least] *not more than* four feet wide, and level with the road, and not more than fifteen yards apart; and said shelter holes shall be kept whitewashed and clear of obstruction; except in entries from which rooms are opened at regular intervals not exceeding forty-five feet: Provided, That the entrance to such rooms be kept clear of obstruction for a distance of [three] *six* feet. All shelter holes shall be made on the same side of the entry. All entries driven after the passage of this act shall have a clear space of two and one-half feet from the side of the car to the rib, which shall be made and continued throughout on one side of the entry, if in the judgment of the inspector the condition of the roof will permit, and shall be kept clear of obstruction.

Holes for shelter.

Proviso.

No person except officials or repairmen shall be permitted to travel on slopes, gravity or incline planes, while the cars thereon are in motion.

Section 6. That section nine, of article four of said act, as amended in part by section one of the act, approved the eighteenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, six hundred thirteen), is hereby consolidated and further amended, to read as follows:

Section 9 of article 4, as amended in part by section 1 of act of April 18, 1929 (P. L. 613), further amended.

Section 9. The mine foreman shall direct that the coal is properly mined before it is blasted. "Properly mined" shall mean that the coal shall be undercut, center-cut, [top-cut] *overcut*, or sheared by pick or machine, and in any case the [undercutting] *cutting* shall be as deep as the holes are laid. In mines generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, when the coal seam is five feet six inches or more in thickness, "properly mined" shall mean that in all entries less than ten feet wide, wherein the coal is undercut, *or overcut*, it shall [also] be sheared on one side as deep as the [undercutting] *cutting* before any holes are charged and fired, or the coal shall be blasted in sections by placing the first hole near

"Properly mined" defined.

- the center of the coal seam. He shall [also] direct that [the miner set] sprags *be set* as often as necessary, *but* at a distance not exceeding seven feet apart, under *or upon* the breast of undermined, [or] center-mined *or over-mined* coal [for safety]. The mine foreman shall
- Blasting hours.** direct at what hours blasting shall be done in the mine, and a notice of the time shall be posted at a conspicuous place at the mine, and a copy of the notice shall be kept on file at the mine office: Provided, however, That in districts in which it has been the common practice to blast coal from the solid, said practice or method may be continued, notwithstanding anything to the contrary herein contained.
- Proviso.**
- Dampening of dust.** In such portions of a dry and dusty mine, where explosive gas is being generated in quantities sufficient to be detected by an approved safety lamp, the mine foreman shall direct and see that the rooms and entries are moistened by water or other efficient means as often as necessary to keep the dust in damp condition, and he shall direct and see that the dust is loaded and taken out of the mine as often as necessary.
- Rock dust may be used.** In lieu of the above provisions, rock dust may be substituted for, or used in conjunction with, water, under the following conditions: The rock dust to be used shall be pulverized so that one hundred per cent will pass through a sieve having twenty meshes per lineal inch, and fifty per cent or more will pass through a sieve having two hundred meshes per lineal inch. It shall not contain more than five per cent combustible matter, nor more than twenty-five per cent of quartz or free silica particles, and not be unduly absorbent of moisture. Preference shall be given to the lighter colored rock dust.
- Extent of rock dusting.** The rock dusting shall be done with such regularity and frequency that all surfaces required to be rock dusted shall be kept in such a condition that the incombustible content of the adhering *and lodging* dust shall not be less than fifty-five per cent.
- Distribution of rock dust.** The rock dust shall be distributed on top, bottom, and sides of all [main haulages and all active entries to the last open cut-through, and to a distance of not less than twenty feet in all active rooms and pillars, workings, and in all returns airways where hauling or traveling is done.]
- [In other places in which no hauling is done, the rock dust may be distributed by the air current, or other means, provided that the amount specified in this act is distributed, or such places may be protected by rock dust barriers, which shall be subject to the approval of the mine inspector as to design and location. When such barriers are installed, the amount of rock dust used shall be at least one hundred (100) pounds per square foot of

average cross section of entry at the barrier zone. The barriers shall be maintained at all times in workable condition, and inspected monthly, and a report of such inspection, showing the condition of the barrier, shall be entered on the space provided for such purpose in the book furnished by the Department of Mines for recording the rock dust samples.

The superintendent shall see that a sufficient number of samples of dust are gathered each month from the road, roof, rib, and timbers, on each split of air and tested to determine if any part of the mine required redusting, and a record shall be kept in a book, provided for that purpose, showing the location at which samples have been taken and the results of the analyses or tests. The book shall be furnished by the Department of Mines in the same manner as is provided for the record books of the mine officials. When the working faces of entries, airways, rooms, and other working places are kept damp by watering, as provided in this article, the outbye portions of such places when required, shall be treated with rock dust or water.] *haulageways, travelingways, airways, developing entries, and entries producing coal from rooms or pillars, and their parallel entries.*

The superintendent shall see that a representative sample of dust is gathered at each sampling point from the roof, sides, and floor of all entries by a competent person once each two months, and tested to determine if any part of the mine requires redusting; and a record shall be kept in a book provided for that purpose through the Department of Mines, in the same manner as is provided for the record books of the mine officials showing the location at which samples have been taken and the results of the analyses or tests. The distance between sampling points on haulageways, travelingways, and airways shall not exceed two thousand feet; but in developing entries, and in entries producing coal from rooms or pillars, and their parallel entries the distance between sampling points shall not exceed five hundred feet.

If, in the judgment of the mine inspector of the district, any mine or portion of a mine is of such a dry and dusty nature as to cause a hazard from coal dust, he shall direct that the said mine or portion of a mine be rock dusted or watered as provided in this article. However, [should] *if in the judgment of the inspector of the district, the coal in the coal bed is of such a dry and dusty nature that the various processes of releasing the coal from the coal bed and its subsequent loading and transporting throws into suspension in the atmosphere of a working place or places such an amount of coal dust as to indicate danger therefrom, he shall direct that all coal in such working place or places be watered to the*

Samples of dust.

Mine inspector may direct mine to be rock dusted or watered.

extent that coal dust will not be thrown into suspension in the atmosphere of the working place or places in such quantity as to indicate danger from coal dust while the coal is being loaded and transported. Should the operator, superintendent, or mine foreman, of any mine be dissatisfied with the decision of the mine inspector in regard to [the] watering or rock dusting, [or in regard to rock dust barriers of any mine or portion of a mine,] it shall be the duty of the dissatisfied person to appeal from such decision to the Secretary of Mines, who shall at once direct two or more of the other inspectors to accompany promptly the inspector of the district to make further examination into the matter in dispute. If the said inspectors shall agree with the decision of the inspector of the district, their decision shall be final and conclusive, unless the dissatisfied person shall, within seven days of the receipt of the decision of the committee of inspectors, appeal therefrom to the court of quarter sessions of the county in which said mine is situated, [whereupon the court, or the judges, appoint a commission of five persons as required by article ten of this act,] and thereafter the proceedings had shall be as prescribed by sections one and two of [said] article ten of this act as amended.

Appeal to Secretary of Mines.

Negligence or disobedience.

The mine foreman shall direct and see that as the miners advance in their excavation all dangerous and doubtful pieces of coal, slate, and rock overhead are taken down, or at once carefully secured against falling on the workmen. Any workman who neglects to carry out, or disobeys, the instructions of the mine foreman or his assistant, in regard to securing his working place, shall be suspended or discharged by the mine foreman, and if such negligence or disobedience results in serious injury or loss of life to any person, the mine foreman shall give the name of said workman to the inspector, for prosecution in accordance with section two, article twenty-six of this act.

Sections 10 and 13 of article 4, amended.

Section 7. That sections ten and thirteen, of article four of said act, are hereby amended to read as follows:

Section 10. The mine foreman shall give prompt attention to the removal of all dangers reported to him by his assistants, the fire boss, or by any other person working in the mine, and in case it is impracticable to remove the danger at once, he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous conditions exist. He or his assistant shall once each week travel and examine all the air courses and roads and all the openings that give access to old workings or falls, and make a record of the condition of all places where danger has been found, with ink, in the book provided for that purpose.

Removal of dangers.

In all mines the mine foreman shall employ a sufficient number of assistants to insure a visit to each working place *during each shift*, either by himself or by his assistants [once each day] while the employes are at work, and in *all mines or portions of mines in which fire bosses are not regularly employed, the mine foreman shall, if in the judgment of the inspector of the district the roof conditions require extraordinary supervision, employ a sufficient number of assistants to insure two visits to each working place during each shift, either by himself or his assistants, while the employes are at work in such mines or portions of mines, and in all mines the interval of time between visits shall be arranged so as to secure the most efficient and effective supervision.* In addition thereto, *the mine foreman or the assistant mine foreman shall give special care, oversight, and attention to the men drawing pillars, particularly when falls are thereby being made. The mine foreman, or the assistant mine foreman, under instructions from the mine foreman, shall direct that the holes for blasting shall be properly placed, and shall designate the angle and depth of holes, which shall not be deeper than the undercutting, center-cutting, over-cutting or shearing, and the maximum quantity of explosives required for each hole, and the method of charging and tamping. Instructions shall be given the men by the mine foreman, assistant mine foreman, or fire boss, or other authorized person, as to when, where, and how timber shall be placed so as to avoid accidents from falls, and also, in a general way, how to mine coal with safety to themselves and others. He shall also see that the roof and sides of all passageways, over or through which men are transported in a car or cars, shall be examined by a competent person or persons within three hours before the appointed time for the day shift to enter the mine.*

Visits to each working while employes are at work.

Blasting holes.

Instructions.

How to mine coal.

Examination of roofs and sides of passageways.

Daily reports of assistants.

At the end of each shift, each assistant mine foreman shall make a report in a book provided for that purpose, giving the general condition as to safety of the working places visited by him, and shall make a note of any unusual occurrence observed by him during the day. The mine foreman shall read carefully the daily report of each assistant mine foreman, and shall sign the report with ink [not later than the day following] *daily*.

Section 13. [In every mine generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, where coal dust is being carried in the air currents in quantities indicating danger, the] *The* mine foreman shall see that no person is employed to work in [the] *any* mine until he has given satisfactory proof that he can do the work allotted to him without endangering the lives of his co-employes, unless said person is put to work with an experienced [miner,] *employe*, whose

Inexperienced miners.

duty it shall be to instruct such inexperienced person how [to] safely and properly to perform his work.

Section 8. That section fourteen of article four of said act, as amended in part by section two of the act, approved the eighteenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, six hundred thirteen), is hereby consolidated and further amended, to read as follows:

Shot-firers.

Section 14. In such portions of a mine, where explosive gas is being generated in quantities sufficient to be detected by an approved safety lamp, and in which [locked safety] *approved* lamps are used, the mine foreman shall employ a sufficient number of competent and *legally qualified* persons, who are able to speak the English language, to act as shot-firers, whose duty shall be to charge, tamp, and fire all holes properly placed by the miners, and to refuse to charge any holes not properly placed. No holes shall be fired by any person other than a shot-firer. They shall use none but incombustible material for tamping, which the mine foreman shall see is provided for them at convenient places inside the mine. Under no condition shall the shot-firer use coal dust or any other combustible material for tamping. All such holes shall be fired by an *approved* electric apparatus, and no person other than the shot-firer shall connect the wires of or operate said apparatus. Each shot-firer shall keep a record of and report to the mine foreman every hole that he has refused to charge, every blown-out shot, and every hole that has misfired. It shall be the duty of shot-firers, and miners who are permitted by this act to fire their own shots, to visit and examine the places where shots have been fired, before leaving the mine, to see that there is no fire, or any other danger existing

Record.

In all mines in which coal is blasted from the solid, all holes shall be fired when all the workmen are out of the mine except [the] shot-firers and [other] persons delegated by the mine foreman to safeguard property.

Use of safety lamp.

No shot-firer or any other person shall fire a shot in any working place, or at any point in any mine, if his safety lamp [can detect] *indicates* explosive gas; and he shall not be in possession of any other lamp than an *approved safety lamp while performing the duties of a shot-firer.* [at the roof.] *This provision is not intended to prohibit blasting in entries going into the solid coal, wherein explosive gas is escaping from the coal, conditioned it is carried off rapidly, rendered harmless, and diluted below the point of detection on the flame of an approved safety lamp.* In gaseous [dusty] mines in which approved [locked] safety lamps are used, he shall fire no holes unless the entries and rooms which are dry and dusty are so thoroughly wetted as to prevent the

existence of any dry dust for a distance of not less than eighty feet from the hole to be fired, unless the dust is rendered inert to explosibility by rock dust. [Provided, however, That in all mines wherein the coal is being blasted from the solid, the mine foreman shall direct and see that the provisions of this section are fully complied with.]

Section 9. That section seventeen of article four of said act, as amended by section two of the act, approved the tenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, four hundred seventy-two), is hereby further amended to read as follows:

Section 17 of article 4, further amended.

Section 17. In any working place that is being driven within supposedly dangerous proximity to [an abandoned mine or portion of an abandoned mine] *any portion of an abandoned mine, or any idle portion of an active mine*, suspected of containing explosive gas, or that may contain a dangerous accumulation of water, the mine foreman shall see that at least two bore holes shall be maintained not less than twenty feet in advance of the face, and, on each side of such working place, bore holes of the same depth shall be drilled diagonally, not more than eight feet apart, and any place driven to tap water or gas shall not be more than ten feet wide. No water or gas from [an abandoned mine, or portion of an abandoned mine,] *any portion of an abandoned mine, or from any idle portion of an active mine*, and no bore hole from the surface, shall be tapped until the employes except those engaged at such work are out of the mine, and such work shall be done under the immediate instruction and direction of the mine foreman, with the use of [locked] *approved* [safety] lamps: *Provided, That it shall be unlawful to work, or employ men to work, in any portion of a bituminous coal mine in which a body of water is dammed or held back, at a higher elevation in the same mine, by natural or artificial means, unless permission so to do is given in writing by three mine inspectors, or the majority thereof, appointed by the Secretary of Mines; and it shall be the duty of the owner, operator, or superintendent of any mine having water so dammed or held back, to notify the inspector of the district in which the mine is situated. But this provision is not intended to abridge the discretionary power of the inspector of the district, nor defeat the right of appeal of the owner, operator, or superintendent, as provided for in sections one and two of article ten of this act, as amended.*

Dangerous proximity to an abandoned mine

Duties of mine foreman.

Proviso.

Water.

Section 10. That sections nineteen, twenty-two, and twenty-four, of article four of said act are hereby amended to read as follows:

Sections 19, 22 and 24 of article 4, amended.

Section 19. The mine foreman shall [once each week, on blank forms provided for that purpose, report to the

Reports of accidents.

inspector all fatal and serious accidents] *report daily to the superintendent, all injuries* that have occurred in or about the mines, giving the age, nationality, and occupation of the injured persons, together with facts as to the families or dependents affected.

Approved safety lamps.

Section 22. It shall be the duty of the mine foreman to see that [locked] *approved* safety lamps are used, when and where required by this act. The transportation of tools [in] *into* and out of the mine shall be under the direction of the mine foreman or his assistant.

Duties of assistants.

Section 24. When assistant mine foremen are employed, their duty shall be to assist the mine foreman in complying with the provisions of this act, and [in the absence of the mine foreman they shall perform the duties of the mine foreman, and] shall be liable to the same penalties as the mine foreman for any violation of this act, *in parts or portions of the mine under their jurisdiction.*

Liability.

Section 1 of article 5 as amended by section 3 of act of June 1, 1915 (P. L. 716), further amended.

Section 11. That section one of article five of said act, as amended by section three of the act, approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred sixteen), is hereby further amended to read as follows:

Competency of fire boss.

Section 1. In such portions of a mine, wherein explosive gas has been generated within one year before the passage of this act, or shall be generated after the passage of this act, in sufficient quantities to be detected by an approved safety lamp, the mine foreman shall employ a fire boss or fire bosses, whose competency to act as such shall be evidenced by a certificate of qualification from the Department of Mines on the recommendation of the examining board, as provided for in section six, article twenty-four of this act. [or a person or persons who, in the judgment of the operator, is equally competent with the holders of such certificates.] It shall be the duty of the fire boss to examine carefully, before each shift enters the mine, every working place, without exception, all places adjacent to live workings, every roadway, and every unfenced road to abandoned workings and falls in the [mines] *mine*; but before proceeding with the examination, he shall see that the air current is traveling in its proper course. In making the examination he shall use no light other than that enclosed in an approved safety lamp. The examination shall begin within three hours prior to the appointed time *for each shift* to enter the mine. The fire boss shall examine for dangers in all portions of the mine under his charge, and after each examination he shall leave, at the face and side of every place examined, the date of the examination, as evidence that he has performed his duty. He shall also examine the entrance or entrances to all worked-out and abandoned portions ad-

Duties.

Time of.

Record.

jaacent to the roadways and working places under his charge, where explosive gas is likely to accumulate, and he shall place a danger signal across [the] *each* entrance to every working place and every other place where explosive gas is discovered or immediate danger is found to exist from any other cause, and said signal shall be sufficient warning for persons not to enter. The meaning of all danger signals shall be explained to the non-English speaking employes of the mine, in their several languages, by the mine foreman, assistant mine foreman, or fire boss, through an interpreter.

Signal.

Explanation of signals.

Section 12. That section three of article five of said act is hereby amended to read as follows:

Section 3 of article 5, amended.

Section 3. A second examination by the same or other fire bosses shall be made during working hours of every working place where men are employed, *and a report of said examination shall be made in the fire boss report book, in the same manner as provided for in section two of this article.*

Second examination.

Section 13. That section four of article six of said act is hereby amended to read as follows:

Section 4. Every mine generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, opened after the passage of this act, shall have at least four main entries, two of which shall lead from the main opening and two from the second opening, into the body of the mine: Provided, That every new gaseous mine, where [locked safety] *approved* lamps are used exclusively, projected to open up a large acreage with main entries five thousand feet or more in length, shall have at least five main entries, two of which shall lead from the main opening and two from the second opening, into the body of the mine, and the fifth (which may be connected with an opening to the surface or with the intake airway at or near the main intake opening) shall be used exclusively as a traveling way for the employes.

Main entries.

Proviso.

Every non-gaseous mine opened after the passage of this act shall have at least two main entries, one of which shall lead from the main opening and one from the second opening, into the body of the mine: Provided, That in every new non-gaseous mine, projected to open up a large acreage with main entries five thousand feet or more in length, the operator shall either haul the employes into and out of the mine at the beginning and end of each shift, or provide at least three main entries, one of which shall lead from the main opening and one from the second opening, into the body of the mine, and one (which may be connected with an opening to the surface or with the intake airway at or near the main intake opening) shall be used exclusively as a traveling way for the employes.

Main entries in non-gaseous mine.

Should any mine opened as a non-gaseous mine become a gaseous mine, and in every gaseous mine opened prior to the passage of this act, where [locked] *approved* safety lamps are used exclusively, having less than five main entries that have reached five thousand feet or more in length, and are to be extended two thousand feet or more, the superintendent shall have a new opening of ample dimensions made from the surface, if the inspector of the district, and two additional inspectors appointed by the [Chief] *Secretary* of the Department of Mines, deem such additional opening necessary for the proper ventilation of the mine or the safety of the miners. The main entries and the travelingway shall be extended from this opening to the face of the workings: [The operator may continue to work said mine or mines, under the provisions and requirements of this act for a non-gaseous mine, until by due diligence the operator can change conditions to meet the provisions and requirements of this paragraph] *Provided, however, Should the inspector of the district be of the opinion that any mine is in need of an additional opening, from the surface into the interior of the mine, for the proper ventilation thereof, or the safety of those employed therein, regardless of the number or length of main entries from the main openings of the mine, he shall so notify the Secretary of Mines, who shall appoint forthwith a committee of not less than five inspectors, including the inspector of the district, to immediately investigate and consider the alleged conditions making an additional opening necessary.*

Additional opening.

Inspector of district.

Notify Secretary of Mines.

Committee.

If the committee of inspectors or a majority thereof shall agree with the inspector of the district that an additional opening from the surface into the interior of the mine is necessary, for the proper ventilation thereof or the safety of those employed therein, they shall so notify the superintendent, manager, or operator, and the Secretary of Mines; and the decision of the committee of inspectors shall be final and conclusive, unless the dissatisfied person shall appeal therefrom to the court of quarter sessions of the county in which the mine is situated, within seven days from the receipt of the decision of the committee of inspectors.

Decision.

Appeal to court of quarter sessions.

Whereupon the court of quarter sessions shall speedily determine the question involved in said decision and appeal in accordance with sections one and two of article ten of this act, as amended, and the decision of said court shall be binding and conclusive.

If the court of quarter sessions shall finally sustain the decision of the committee of inspectors, and said decision requires the use of the opening as a means of ingress or egress, then the additional opening, if it be a shaft opening, shall be supplied with safe and suitable

Additional opening.

hoisting equipment or a stairway built in accordance with section six of this article, and in any case the stairway or other escapeway shall be ventilated with intake air, and said stairway or other escapeway shall be joined to and connected with an intake airway. If the additional opening be divided into compartments, the partition shall be substantially built of incombustible material.

The intake and return entries shall be kept drained, and free from refuse and obstructions of all kinds, so that persons may safely travel therein throughout their whole length and have a safe means of egress from workings in case of emergency. Said entries shall be separated by pillars of coal of sufficient strength, and shall not be driven more than two hundred feet beyond the last cut-through, except for exploratory purposes.

Intake and
return entries.

When the main entry of a non-gaseous mine, or both main entries of a gaseous mine, used for intake for air, are also used for mechanical haulage, a separate traveling way, leading into the body of the mine, shall be provided for the use of the employes in going to and from their work, or the employes shall be hauled into and out of the mine at the beginning and end of each shift.

Separate travel-
ing way.

In all mines where the coal seam is less than three and one-half feet in height, such traveling way shall be at least four and one-half feet in height; in all mines where the coal seam is four feet in height, such traveling way shall be at least five feet in height; and the width shall not be less than six feet. All such traveling ways shall be well drained, kept free from refuse of all kinds, and free from smoke, noxious gases, and electric wires, unless said wires are so placed and protected as not to endanger life and are kept in safe condition.

Dimensions.

Section 14. That sections three and four of article seven of said act are hereby amended to read as follows:

Sections 3 and
4 of article 7,
amended.

Section 3. [Rock and coal from] *Men or materials shall not be raised or lowered in shafts that are being sunk, [shall not be raised] except in a bucket or on a cage, and said bucket or cage must be connected with the rope by a safety hook, clevis, or other safe attachment. The rope shall be fastened to the side of the drum and not less than three coils of rope shall always remain on the drum. If said shafts are one hundred feet or more in depth they shall be provided with guides and guide attachments, applied in such manner as to prevent the bucket from swinging while being lowered or hoisted, and said guides and guide attachments shall be maintained at a distance of not more than seventy-five feet from the bottom of the shaft.*

Bucket or cage.

Drum.

Guides.

Section 4. It shall be the duty of the person in charge of shaft-sinking for the contractor or company to see that the sides of all shafts are properly secured

Loose rocks, etc.

Explosion of blasts.	for safety, and that no loose rock or material is allowed to remain on any timber on top or on any timber in the shaft after each blast. Where explosive gas is encountered, the person in charge shall see that the shaft is examined before each shift, and before the men descend after each blast, and also that the place is safe.
Ventilation.	In sinking shafts all blasts must be exploded by electric battery. Provisions must also be made for the proper ventilation of shafts while being sunk, <i>and in all sinking shafts, and in all shafts that are being repaired, safety belts shall be provided by the operator or contractor, and used by all persons working above the floor of the shaft, unless a substantial scaffold is erected that effectively closes the shaft opening immediately below the point where work is being done.</i>
Safety measures.	
Sections 1 and 4 of article 3, amended.	Section 15. That sections one and four of article eight of said act are hereby amended to read as follows: Section 1. The operator or the superintendent shall provide, and hereafter maintain in good condition from the top to the bottom of every shaft or slope, where persons or material are lowered or hoisted, a telephone or metal tube of proper diameter, suitably adapted to the free passage of sound, through which conversation may be held and understood between persons at the top and the bottom of said shaft or slope; and he shall also provide means of signaling from the top to the bottom and from the bottom to the top of such shaft or slope. The same provisions shall apply to inside planes whereon coal is lowered and persons have to travel, when required by the inspector. In all [gaseous] mines telephone connections shall be made from the surface to the main [section] sections of the mine, <i>when required by the inspector.</i> All signaling apparatus and telephone connections shall be kept in good condition and shall be always available for service.
Telephone or tube.	
Signal apparatus.	
Hand-rails.	The operator or the superintendent shall provide every cage, used for lowering or hoisting persons, with hand-rails at sides or overhead, <i>or additional suitable devices</i> and with chain, bar, or gate at ends, and with a sufficient covering overhead to protect persons thereon, and shall also provide for each said cage efficient safety catches, which shall be tested once every two montns, and a record of each test shall be sent to the inspector and to the superintendent, and also recorded with ink in a book kept at the mine office for that purpose. The ropes shall be securely attached to the sides of the drum of every machine that is used for lowering and hoisting persons or material into and out of the mine, and the flanges shall have a clearance of not less than four inches when the whole of the rope is wound on the drum, and adequate brakes shall be attached to the drum so that the speed thereof can be controlled when men are
Safety catches.	
Ropes.	
Brakes.	

being lowered or hoisted. An efficient indicator that shall show the position of the cages in the shaft shall be attached to the hoisting apparatus, and an efficient safety device that will prevent overwinding shall be attached to every engine used for lowering and hoisting persons.

Indicator.

All shafts shall be provided with safety gates controlled by the cage at the top and intermediate landings, said gates to be approved by the inspector.

Safety gates.

Section 4. All machinery in and about the mines [from which any accident would be liable to occur,] shall be properly [fenced off by suitable guard-railing] *guarded so as to protect operatives and others from injury.*

Guard-railing.

Section 16. That section three of article nine of said act, as amended by the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred ninety), is hereby further amended to read as follows:

Section 3 of article 9, as amended by act of April 27, 1927 (P. L. 390), further amended.

Section 3. Cut-throughs in entry pillars and in pillars of rooms driven in the "room and pillar" system of mining shall be provided, not less than sixteen yards nor more than thirty-five yards apart. In mines or portions of mines developed for the purpose of mining by a system other than the "room and pillar," all openings, except entries, may be driven [one hundred yards] *fifty yards* without cut-throughs, provided the following regulations are enforced:

Cut-throughs.

I. That sufficient air be circulated to and along the face of each entry, cut-through chamber, or other opening to sweep away and render harmless all smoke, noxious and explosive gases.

II. In gaseous mines there shall be kept, at the face of every working place, while the men are at work, at least one approved [flame] safety lamp, if such place is driven more than one hundred and five feet without a cut-through.

Regulations when "room and pillar" system not used.

III. That in every mine, where a working place is driven more than one hundred and five feet without a cut-through, said place shall be examined by a mine official at least three times a day while the men are or should be at work.

IV. In [gaseous] mines where it is necessary to drive openings more than one hundred and five feet off any entry or other road, not more than [four] *two* such places shall be advanced at the same time, and not more than [six] *three* places shall be advanced at the same time in any air split without proper connection with the air circuit.

V. Booster and/or blower fans shall not be used in gaseous mines for the purpose of ventilating workings having no connection with the air circuit, unless

equipped with government approved, flame-proof, electric motor: Provided, however, That the location of such fans shall have the approval of the inspector of the district.

VI. In all gaseous mines, where places are driven more than one hundred and five feet without the formation of an air circuit, the coal dust in the entries shall be rendered inert to explosibility, by the application of shale dust or any other incombustible material, and the coal dust in all other openings shall be taken care of as now provided by law.

Sections 4, 6 and 9 of article 9, amended.

Section 17. That sections four, six, and nine of article nine of said act are hereby amended to read as follows:

Air measurements.

Section 4. The quantity of air passing a given point shall be ascertained by an anemometer, the measurements to be taken by the mine foremen, or an assistant mine foreman, once every week, at or near the main inlet and outlet airway in the mine, and also at the last cut-through in the last room and in the entry beyond the last room turned; and when requested by the inspector, the mine foreman and/or the superintendent, shall, once each week, direct and see that the methane content of the ventilating current or currents is determined by analyses or by an instrument capable of accuracy to five one-hundredths of one per centum. The samples or the determinations shall be taken on the return end of the air circuit or circuits, just beyond the last working place, unless otherwise directed by the inspector, and a correct report of these determinations shall be promptly furnished to the inspector. Said measurements, determinations, or samples shall be taken on days when the men are at work.

Fans.

Section 6. Every ventilating fan at non-gaseous mines shall be kept in operation continuously day and night, unless operations are definitely suspended, except when written permission is given by the inspector to stop it. The said permission, or a copy thereof, shall be posted by the mine foreman in a conspicuous place at the entrance or entrances to the mine, and shall state the particular hours the fan may be stopped. The inspector shall have the power to withdraw or modify such permission at any time and in any manner he may deem best. In all cases [however] in which permission has been given by the inspector to stop the ventilating fan, the fan shall be started two hours before the time to begin work. It shall be the duty of the mine foreman to see to it that all persons are out of the mine before the fan is stopped, and that no person be permitted to enter the mine until the fan has been in operation for a period of two hours.

Gaseous mines.

Every ventilating fan at gaseous mines shall be kept

in operation continuously, day and night, unless operations are definitely suspended: *Provided*, That should it at any time become necessary to stop the fan at any mine (gaseous or non-gaseous), on account of accident to part of the machinery connected therewith, or by reason of any other unavoidable cause, it shall then be the duty of the mine foreman, or the assistant mine foreman in charge, after first having provided for the safety of the persons employed in the mine, to order said fan stopped for necessary repairs: *Provided further*, That should the ventilating fan or fans be stopped at any time, for any reason whatsoever, at any gaseous mine, for a period of time sufficient to cause a serious interruption of the ventilation, the source of electric power shall be forthwith disconnected from the mine, and the source of electric power shall not be re-connected with the mine until the fan or fans have been started and the mine has been examined by the mine foreman, assistant mine foreman, or fire boss, and reported safe. A record of such examination shall be entered in the fire boss record book. The superintendent of the mine shall be responsible for the execution of this latter provision.

Proviso.

Further proviso.

Every ventilating fan shall be provided with a recording instrument by which the number of revolutions or the effective ventilating pressure of the fan shall be registered, and the registration for each day, with the date thereof, shall be kept in the office at the mine, for future reference for one year.

Recording instrument.

No main or principal ventilating fan shall be placed inside of any mine. No auxiliary fan, unless driven by electricity or compressed air, shall be placed in any mine. If the fan be electrically driven, the motor shall be placed in the intake airway.

Every ventilating furnace in a mine shall be properly attended to and operated by a competent person, employed by the mine foreman for that purpose, for two hours before the appointed time to begin work, and constantly thereafter during working hours.

Furnace.

Section 9. No product of petroleum or alcohol, or any compound [that in the opinion of the inspector shall contaminate the air to such an extent as to be injurious to the health of the miner,] thereof shall be used, as motive power in any mine, *without the written consent of the inspector, which written consent shall state the conditions under which it may be used as a motive fuel.*

Petroleum, alcohol, etc.

Section 18. That the heading and section one of article ten of said act, as amended by section three of the act, approved the seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws,

Heading and section 1, of article 10, as amended by section 3 of act of April 7, 1925 (P. L. 175), further amended.

one hundred seventy-five), are hereby further amended to read as follows:

APPROVED ELECTRIC LAMPS, [LOCKED] *Approved* SAFETY LAMPS AND OPEN LIGHTS; DEFINING WHEN THEY CAN BE USED.

Safety lamps and open lights.

Electric lamps.

Open lights prohibited where explosive gas might exist.

Proviso.

Inspection.

Report.

Appeal.

Court.

Section 1. The use of open lights is prohibited in any [entry, airway, travelingway, room, or any other working place] *portion of a mine, a portion of a mine, as used in this article, being all places, of whatever name or number, ventilated by the same air current,* where explosive gas is being generated, or carried by the air current, in such quantity as can be detected by an approved safety lamp, also in pillar workings where a sudden inflow of explosive gas is likely to be encountered, and all such places shall be worked exclusively with [locked] *approved* safety lamps. This does not prohibit the use of approved electric lamps: Provided, That the mine foreman, the assistant mine foreman, the fire bosses, machine runners, [shot-firers] pumpers, and all other persons required by the mine foreman shall in addition thereto use approved [flame] safety lamps for detecting explosive gas. The use of open lights is also prohibited in all working places, roadways, or other portions of the mine through which explosive gas might be carried in the air current in quantities indicating danger: Provided, however, That if the inspector is of the opinion that any mine, or any portion of any mine, should be operated by the use of [locked] *approved* [safety] lamps exclusively, he shall have the right to petition the [Chief] *Secretary* [of the Department] of Mines, in writing, setting forth such opinion and his reasons therefor. Whereupon the said [chief] *secretary* shall forthwith instruct two or more other inspectors to accompany the inspector of the district to make a further thorough examination into the matter in dispute and of all workings of said mine, whether in active operation or not. The said committee of inspectors shall, within seven days of their appointment, make a report in writing to the [Chief] *Secretary* of [the Department of] Mines, and to the superintendent, general manager, operator, or owner of said mine, giving the conclusions arrived at, with their reasons therefor; and the decision of said committee shall be final and conclusive, unless the superintendent, general manager, operator, or owner, shall, within seven days of the receipt thereof, appeal from such decision to the court of quarter sessions of the county in which the mine is located. Whereupon the court, or a judge of said court in chambers, shall [forthwith appoint four practical, reputable, and competent persons, two of whom shall be recommended by the superintendent, gen-

eral manager, operator, or owner, and the other two by the Chief of the Department of Mines, and the four persons thus recommended shall name a fifth person, who also must be practical, reputable, and equally competent; and the five persons so named, none of whom shall be in the employ of the operator, operating company, or any of its officers, or of the State Department of Mines, shall constitute a commission to investigate and report on the matter in dispute: Provided, however, In case any or all of said four persons are not recommended, by a writing filed in said court within seven days after the appeal is filed, that then the said court shall fill the vacancy or vacancies by the appointment of a practical, reputable and competent person, or persons; and in case the four persons thus chosen shall not agree, in writing, upon the fifth person of this commission, within five days after they have received notice of their appointment, then the said court shall appoint the said fifth person on this commission. The duty of said commission of five persons shall be, under the instruction of the court, to forthwith examine said mine, or a portion thereof, and report under oath, within ten days after their appointment, the facts as they exist and the conditions pertaining thereto, and based upon such conditions and facts the decision of a majority on the matter in dispute; and their report and decision shall be final and conclusive, unless exceptions thereto shall be filed by the superintendent, general manager, operator, or owner, or the Chief of the Department of Mines, within seven days of the filing of said commission's report. If exceptions are filed, the court shall at once hear, and, upon testimony taken thereon, determine them, and enter a decree in accordance with such determination: Provided, That the superintendent, general manager, operator, owner, or Chief of the Department of Mines, shall thereafter have the right to have the record and proceedings removed to the supreme court for review, by appeal or writ of error] *speedily determine the question involved in said decision and appeal, and the decision of said court shall be binding and conclusive.*

The court, or a judge of said court in chambers, may, in its discretion, or may at the request of either party, appoint three practical, reputable, competent, and disinterested persons, whose duty it shall be, under instructions of the said court, to forthwith examine such mine or other cause of complaint, and report under oath the facts as they exist or may have been, together with their opinions thereon, within thirty days after their appointment. The report of said commission shall become absolute, unless exceptions thereto shall be filed, within ten days after the notice of the filing thereof, by the

Commission.

Report.

- Exceptions. *superintendent, general manager, operator, owner, or mine inspector, as aforesaid. If exceptions are filed, the court shall at once hear and determine the same, and the decision shall be final and conclusive.*
- Hearing and determination by court final.
- Section 2 of article 10, amended.
- Payment of costs.
- Section 19. That section two of article ten of said act is hereby amended to read as follows:
- Section 2. If said court of quarter sessions sustains the decision of the committee of inspectors, [and said court's decree is not appealed from, or if on appeal the supreme court finally sustains the decision of the inspectors,] then the appellant from said decision of the committee of inspectors shall pay all costs of such proceedings; but if the said court of quarter sessions [or the supreme court] shall not sustain the decision of the committee of inspectors, then all costs shall be paid by the [Commonwealth] county: Provided, however, That any and all appeals from any decision made by the committee of inspectors, or made by the [committee] commission appointed by the court of quarter sessions, shall work as a supersedeas to such decision during the pendency of such appeal [either] to the court of quarter sessions. [or to the supreme court]
- Section 3 of article 10, as amended by section 4 of act of April 7, 1925 (P. L. 175), further amended.
- Section 20. That section three of article ten of said act, as amended by section four of the act, approved the seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, one hundred seventy-five), is hereby further amended to read as follows:
- Section 3. The use of open lights is strictly prohibited in the return air current of any portion of a mine that is ventilated by the same continuous air current that ventilates any other portion of said mine in which [locked] approved safety lamps or approved electric lamps are used, as provided for in section one, article ten of this act. [The provisions of this section shall not apply to any mine wherein explosive gas is generated only at the face of active entries.]
- Section 21. That sections four and nine, of article ten of said act, are hereby amended to read as follows:
- Section 4. If at any time one portion of a mine is worked by the use of [locked] approved safety lamps while another portion is worked by the use of open lights, the return air from the gaseous portion shall be conducted directly into a return airway leading to the fan or to the outlet: Provided, That when a portion of a mine is worked by the use of [locked] approved safety lamps and other portions are worked by the use of open lights, it shall be the duty of the mine foreman to provide a suitable danger station, with an attendant on duty at all times during working hours, day and night, whose duty it shall be to see that the employes from the open light portion are not allowed to enter the [locked] approved safety lamp portion unless they are
- Proviso.
- Supersedeas.
- Open lights prohibited in return air current.
- Sections 4 and 9 amended.
- Lights.
- Proviso.

provided with [locked] *approved* safety lamps by said attendant.

Section 9. All *approved* [safety] lamps used for examining mines or for working therein shall be the property of the operator, and shall be in the care of the mine foreman, assistant mine foreman, fire boss, or some other competent person or persons appointed by the mine foreman whose duty it shall be to clean, fill, trim, examine, light, and deliver them locked and in a safe condition to the men when entering the mine, and to receive the lamps from the men when returning from work, for which service a charge not exceeding the actual cost of labor and material may be made by the operator. At any mine wherein explosive gas was generated within one year before the passage of this act, in sufficient quantities to be detected by an approved safety lamp, a sufficient number of *approved* safety lamps, not less than one-fourth of the number of *approved* safety lamps in use, shall be kept in a convenient place and in good condition, for use in case of emergency. It shall be the duty of every person who knows that his *approved* [safety] lamp is injured or defective to return it immediately, and report such fact to the person authorized to receive and care for said lamp, who shall report the matter to the mine foreman, assistant mine foreman, or fire boss as soon as practicable.

Ownership of lamps.

Care of.

Emergency lamps.

Defective lamps.

Section 22. That the title and first two lines, of article eleven of said act, is hereby amended to read as follows:

Title and first two lines of article 11, amended.

Special Rules for the Installation of Electricity and
for the Maintenance of Electrical Equipment.

[The following rules shall be observed as far as is reasonably practicable in the mines:]

It shall be the duty of the mine foreman and superintendent to see that the following rules, for the installation of electricity and the installation and maintenance of electrical equipment, are observed after the passage of this amendment.

Rules.

Section 23. That rule three, in section one of article eleven of said act, is hereby amended to read as follows:

Rule 3 in section 1 of article 11, amended.

Grounding:

3. All metallic coverings, *metal* armoring of cables, [other than trailing cables, and, where installed underground, the] *and the* frames and bed-plates of generators, transformers, and motors, [other than low voltage portage motors] shall be [efficiently] *effectively* grounded, as shall also the neutral wire of the three wire continuous current systems.

Grounding.

Section 24. That rule twenty-one, the sub-heading before rule twenty-two, and rule twenty-two, of section

Section 2 of article 11 amended in parts.

two of article eleven of said act, are hereby amended to read as follows:

Devices.

21. Every alternating current feeder circuit, leading underground and operating at a potential exceeding the limits of medium voltage, shall be provided above ground with an oil break switch on each pole, such switch or switches to be equipped with an automatic overload trip *and with inverse time overload protection in case of sustained moderate overload.* Each such circuit shall also be provided with a suitable ammeter.

Transformer and Sub-Station Rooms:

Regulations to prevent fire.

22. [Transformer rooms shall be of fire-proof construction.] *Any motor—generator, converter, rotary converter, or transformer, installed in a mine after the passage of this amendment, shall be enclosed in a fire-proof building of masonry, or in an effectively grounded, approved, steel structure. Such buildings shall be provided with automatically closing fire-doors, but the automatic features of fire-doors may be omitted if a sub-station attendant be employed. The openings of all such doors shall be so safeguarded by grillwork that the room may be entered only by authorized persons. No electrical equipment containing inflammable material shall be placed within eight feet of a door or opening, in any such underground building. All such underground sub-stations containing rotary machinery shall have an attendant constantly on duty while rotating machinery is in operation, unless adequate control and protection of the equipment is assured by the use of approved automatic devices. No transformer, circuit breaker, controller, or other device or combination of devices containing more than twenty gallons of inflammable liquid shall be placed in any underground sub-station. The sub-station shall be adequately ventilated. No sub-station shall be built in any mine until the location, material, construction, and method of ventilation thereof has received the approval of the Secretary of Mines.*

Section 3 of article 11, amended in parts.

Section 25. That rules twenty-nine, thirty-eight, forty, and fifty-one, in section three of article eleven of said act, are hereby amended to read as follows:

Power and Light Circuits:

29. All high pressure wires used inside of the mines shall be [in the form of insulated, lead covered or armored conductors] subject to insulation tests, and with carrying capacity according to the rules of the National Board of Fire Underwriters. *All high voltage circuits entering or installed in mines, shall have each or all conductors of the same circuit surrounded with metal armor or metallic conduit, so designed and arranged as to permit the conductors to ground to their*

own sheath in case of damage resulting in a failure of their insulation.

High voltage cables in slopes, drifts, or entries in which hauling, conveying, or traveling is done, shall be constantly protected from falls of roof or other conditions that may damage the cables.

Armored cables installed underground after the passage of this amendment that are not installed in fire-proof protecting conduits shall be buried in a trench having a depth of not less than twelve inches below any combustible material, and, where such cables pass under mine tracks, they shall be buried in a trench not less than thirty-six inches below the mine tracks. Adequate precautions shall be taken to provide for conducting stray currents from the armor of the cables so as to prevent electrolysis of the armor. Cables shall not be bent to a radius less than the minimum specified by the cable manufacturer. No power wires or cables, having what is commonly termed as weatherproof insulation, or insulation consisting of braided covering, which is susceptible to moisture absorption from the outer surface to the conductor, shall be installed in any mine.

Medium or low pressure conductors may be bare; except in gaseous portions of mines no bare conductors shall be used in rooms, or beyond the last cut-through in intake entries.

Underground Trolley:

38 [In underground roads the trolley wires shall be installed] *After the passage of this amendment, all trolley wires installed in underground roads shall be placed as far to one side of the passage-way as is practicable, but not less than six inches outside of line of rail, and securely supported upon hangers which shall not be more than twenty-four feet apart, and efficiently insulated. [and placed at such intervals that the sag between points of support shall not exceed three inches. The sag between points of support can exceed three inches if the height of the trolley wire above the rail is five feet or more and does not touch the roof when the trolley passes under.]*

40. At all landings and partings, *or other places where men are required to regularly work or pass under trolley or other bare power wires which are placed less than six and one-half feet above top of rail, a suitable protection shall be provided. This protection [may] shall consist of [channeling the roof] placing boards along the wire, [which shall extend below it, or the use of other approved devices that afford protection] which boards shall not be more than five inches apart nor less than two inches below the lowest point of the wire; Provided, That the distance between boards on*

curves may exceed five inches, but shall not exceed eight inches. This does not prohibit the use of other approved devices or methods furnishing equal or better protection.

Power Wires and Cables in Shafts, Slopes, and Bore Holes:

51. All power wires and cables in hoisting shafts or manway compartments shall be highly insulated and substantially fixed in position.

Shaft and slope cables whose conductors or covering are not capable of sustaining their own weight shall be supported, at intervals not to exceed twenty-five feet, by suitable grips, which cannot cause abrasion of the covering or insulation, but shall so support the cable that no grip shall carry more than the weight of the cable between any two successive grips. Where the cables are not completely boxed in and protected from falling material, space shall be left between them and the side of the shaft, that they may yield, and so lessen a blow given by falling material.

All power wires and cables installed, after the passage of this amendment, in wood lined shafts shall be protected over the entire distance traversed in the shafts by a conduit of satisfactory corrosion-resisting material. In all shafts or slopes inclined twenty degrees or more to the horizontal, all high voltage power cables shall be supported only by their armor, which armor shall consist of satisfactory corrosion-resisting steel wires having a size of not less than No. 8 B. W. G., and the steel armor shall be attached at the top of the shaft or slope to a suitable cable-support, which cable-support, together with the armor, shall be capable of supporting a load equal to ten times the weight of the cable; also, the cable shall be placed in that part of the shaft or slope where it will be least subject to damage from falling materials or by moving cages, skips, counter-weight ropes, or parts thereof. High voltage cables installed in metallic encased bore holes may be supported partially by the conductors of the cable and partially by their armors.

Section 26. That rule sixty-eight in section five, of article eleven of said act, is hereby amended to read as follows:

Underground Stationary Motors [in Non-Gaseous Mines] and the Housing of Electrical Equipment:

68. Motors used for operating fans in [non-gaseous] all mines, where they are so situated that they are not under constant supervision of a competent [man] person, shall be [totally enclosed (not necessarily explosion-proof)] of an approved type, unless placed in a chamber or passageway completely lined with incom-

Rule 68 in section 5 of article 11, amended.

bustible material, and the chamber or passageway itself free from combustible material.

All electrical equipment, except of an approved type, and except room hoists and track mounted pumps which are to remain in the same location for a period of one year or more, shall be completely housed in an incombustible structure built of tile, brick, stone, concrete, or of steel plates not less than one-eighth inch in thickness securely joined.

Section 27. That rule seventy-seven, in section six of article eleven of said act, is hereby amended to read as follows:

Rule 77 in section 6 of article 11, amended.

Trolley System and Open Type Electric Machines:

77. Electric haulage by [locomotives] locomotive operated from a trolley wire, is not permissible in any gaseous [portions of mines except upon the intake air fresh from the outside] *portion of a mine, a gaseous portion of a mine, as used herein, being all the workings and roadways traversed by the locomotive and ventilated by the same continuous air current and in which portion explosive gas has been generated in sufficient quantity to be detected by an approved safety lamp within a period of two years; except when the portion in which the locomotive operates is free of accumulated explosive gas, and the highest methane content of the air-current in which the locomotive operates is not in excess of five tenths of one per cent; and except where the air-current is so guided and directed that the opening or closing of a door will not interrupt or seriously diminish the air flow passing into and through the portion of the mine in which the locomotive operates.*

Moreover, it shall be unlawful in any gaseous portion of a mine, as defined in this rule, to run or operate a locomotive, fed directly or indirectly from a trolley wire, by the open entrances to worked out places wherein the pillars have been drawn or places in which the pillars have not been drawn but in which places the roof has collapsed, unless such places are constantly and thoroughly ventilated, and examined as frequently for explosive gas as active working places are examined.

Commencing one year after the passage of this amendment, no open type electric locomotive or open type electric machine of whatsoever name shall be taken into a working place or places in a gaseous portion of a mine, as defined in this rule: Provided, however, That the time may be extended with the written consent of the Secretary of Mines. Main return airways or passageways shall not be used as haulageways for electric locomotives operated from a trolley wire in gaseous mines.

Rule 97 in section 8 of article 11, amended.

Section 28. That rule ninety-seven, in section eight of article eleven of said act, is hereby amended to read as follows:

Special Systems, *Equipment and Portable Shot-Firing Apparatus:*

97. The use of special electrical shot-firing systems, or equipment, [not covered by the foregoing] *and all portable shot-firing apparatus or devices including the foregoing, shall receive, before being used in any gaseous mine or portion thereof, the approval of the Testing Station of the Federal Bureau of Mines; and all such equipment shall carry thereon evidence of such approval.*

Rule 101 in section 9 of article 11, amended.

Section 29. That rule one hundred one, in section nine of article eleven of said act, is hereby amended to read as follows:

Telephones:

101. It is [recommended] *required* that telephonic communication be established between the outside of the mine and the principal points of operation underground, *as provided in section one, of article eight.*

Section 2 of article 13, amended.

Ambulance; construction and fittings.

Section 30. That section two, of article thirteen of said act, is hereby amended to read as follows:

Section 2. The ambulance shall be constructed upon good substantial easy springs. It shall be covered and closed, and shall have windows on the sides or ends, and shall be provided with spring mattresses or other comfortable bedding, to be placed on roller frames, together with sufficient covering and protection for the convenient movement of the injured. It shall be of sufficient size to convey at least two injured persons and two attendants at one time, and shall be provided with seats for the attendants. The stretchers shall be constructed of such material, and in such a manner, as to insure ease and comfort in the carriage of the injured persons.

Bandages, etc.

[At all mines] There shall be provided *at all mines stretchers, waterproof and woolen blankets, bandages, splints, and other medical supplies, to render first aid and relief to employes who may be injured. These supplies shall be kept in a suitable room. The room shall be located near the entrance to or inside of the mine, and shall be sufficiently large to accommodate the injured employes while they are receiving temporary medical attention; and said room shall be used exclusively for this purpose, and it shall be kept heated or constantly supplied with apparatus for the heating thereof.*

Article 14, amended.

Section 31. That article fourteen of said act is hereby amended to read as follows:

ARTICLE XIV.

Wash-houses.

Section 1. When the clothing or wearing apparel of the employes in any mine becomes wet, by reason of working in wet places therein, it shall be the duty of the operator or superintendent of said mine, at the request in writing of the inspector, who shall make such request upon the petition of any ten employes working in the aforesaid wet places, to provide a suitable building, convenient to the principal [entrances] *entrance* of such mine, for the use of the persons employed in wet places therein, for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom. The said building shall be maintained in good order and be properly lighted and heated, and shall be provided with hot and cold water and facilities for *such* persons to wash; *and the cost of providing and maintaining such conveniences and facilities shall be defrayed by the owner or operator of said mine.* Any operator, superintendent, or inspector who shall neglect or fail to comply with the provisions of this article, or any person who shall maliciously injure or destroy, or cause to be injured or destroyed, the said building, or any part thereof, or any of the appliances or fittings used therein, or do any act tending to the injury or destruction thereof, shall be deemed guilty of a misdemeanor.

Section 32. That article fifteen of said act, is hereby re-enacted and amended to read as follows:

Article 15 re-enacted and amended.

ARTICLE XV.

Inside Stables.

Section 1. It shall not be lawful, *after the passage of this act*, for the superintendent or mine foreman to provide a horse or a mule stable inside of any mine, unless space for said stable is excavated in solid strata of rock, slate, or coal. If excavated in the coal seam, the wall shall be built of brick, stone, or concrete, not less than twelve inches in thickness, and said wall shall be built from the bottom slate to the roof. Wood or other combustible material shall be used in the smallest practicable quantity in the construction of the inside of said stable. The air current used for the ventilation of said stable shall not be intermixed with the air current used for ventilating any other portion of the mine, but shall be conveyed directly to the return air current. No open light shall be permitted in any stable in any mine.

Stables.

No hay or straw shall be taken into any mine, unless pressed and made up into compact bales, which shall be kept in a storehouse built apart from the stable and in the same manner as the stable. Under no circumstances

Hay or straw.

shall [the] hay or straw be stored in the stable, or transported underground in open cars.

Heading and sections 1 and 2 of article 16, amended.

Section 33. That the heading and sections one and two, of article sixteen of said act, are hereby amended to read as follows:

Regulations for Powder, [and] Detonators, and *Blasting Fuse*.

Powder, etc.

Section 1. No powder or high-explosive shall be stored in any mine, and no more of either article shall be taken into any mine at one time, by any one person, than is required in one shift. The quantity shall not exceed five pounds: Provided, That in a mine where shot-firers are employed, the shot-firers shall have the right to take a sufficient quantity to complete their work.

Cans.

Black powder for use in mines shall be put up in five, ten, fifteen, and twenty-five pound metallic cans or canisters, or receptacles of equally safe material.

No black powder, high-explosives, or detonators shall be hauled on any electric motor trip in any mine, or carried by individuals through passageways in mines in which electricity is used or conducted, unless the same are encased in non-conductive boxes or receptacles made of material approved by the Secretary of Mines. The use of "Blasting fuse" for igniting or firing explosives in any mine is forbidden unless the fuse be ignited electrically.

Explosives.

Section 2. [In such portions of dry and dusty mines, wherein explosive gas is being generated in quantities sufficient to be detected by an approved safety lamp] *In dusty mines or parts thereof, and in mines in which explosive gas is regularly or intermittently generated to the extent that it can be detected by an approved safety lamp*, no explosives shall be used except "permissible" explosives, as designated by the Testing Station of the Federal Bureau of Mines. Each charge shall consist of only one kind of explosive. The Department of Mines shall forward to the operators, upon application, the names of all explosives on the permissible list.

Labeling.

No "permissible" explosive shall be sold for use in bituminous mines, unless the name of the manufacturer, name of explosive, method of handling, and full instructions for use are conspicuously displayed on or in the package containing the explosive.

Sections 1 and 2 of article 17, amended.

Section 34. That sections one and two, of article seventeen of said act, are hereby amended to read as follows:

Lubricating oil.

Section 1. The oiling or greasing of cars inside of any mine is strictly prohibited, unless the place where said oil or grease is used is thoroughly cleaned at least once every day to prevent the accumulation of waste, oil, or grease on the roads or in the drains at that point.

Not more than one barrel of *each kind of* lubricating oil or lubricant shall be [permitted] *stored* in any *portion of a mine* at one time, and it shall be kept in a fire-proof building, cut out of solid rock, or made of masonry or concrete of sufficient thickness to insure safety in case of fire.

Section 2. No explosive oil shall be taken into or used in any mine for lighting purposes, except when used in *approved safety lamps, and only sixty-eight degree to seventy degree naphtha of medium distillation range shall be used for this purpose*, and shall not be taken into or stored in any mine in quantities exceeding five gallons. Said oil when stored in a mine shall be kept in a fireproof vault made of masonry or concrete.

Lighting oil.

Section 35. That article twenty of said act is hereby amended to read as follows:

Article 20, amended.

ARTICLE XX.

Discretionary Powers of Inspectors. [Arbitration]

Section 1. The inspector shall exercise sound discretion in the performance of his duties under the provisions of this act, and if the operator, superintendent, mine foreman, or other person employed in or about any mine, shall be dissatisfied with any decision the inspector has given in the discharge of his duties, which decision shall be in writing, it shall be the duty of the dissatisfied person to appeal from said decision to the [Chief] *Secretary* of [the Department of] Mines, who shall at once direct two or more other inspectors to accompany promptly the inspector of the district to make further examination into the matter in dispute. If the said inspectors shall agree with the decision of the inspector of the district, their decision shall be final *and conclusive*, unless the dissatisfied person shall, within seven days of the receipt of the decision of the committee of inspectors, appeal therefrom to the court of quarter sessions of the county in which said mine is situated.

Dissatisfaction with decision.

Committee of inspectors.

Appeal.

Section 2. Whereupon the court, or [the judges] a *judge* of said court in chambers, shall *dispose of the matter in dispute as provided for in sections one and two of article ten of this act, as amended*. [forthwith appoint a commission of five persons as required by article ten of this act and thereafter the proceeding had shall be as prescribed by sections one and two of said article ten.]

Commission.

Section 36. That article twenty-three of said act is hereby amended to read as follows:

Article 23, amended.

ARTICLE XXIII.

Annual, *Monthly*, and *Other* Reports.

Section 1. On or before the twenty-fifth day of January in each year, the operator or the superintendent of

Reports of operators.

every mine shall send, *by registered mail*, to the inspector of the district a correct report, specifying, with respect to the year ending the thirty-first day of December preceding, the name of the operator and officers of the mine, number of tons of coal mined, number of tons of coke manufactured, number of different employes, classified, and the total number of days worked during the year. The report shall be in such form, and give such information regarding the mine, as may be, from time to time, required and prescribed by the [Chief of Department] *Secretary* of Mines.

On or before the third day of each month, the superintendent shall send to the inspector of the district, a report of the tonnage produced and days worked for the preceding month, and also a report, in detail, of all lost time, injuries, in or about the mines for the preceding month.

Whenever any employe who has been injured is reported able to resume work, the superintendent shall report the same immediately to the inspector of the district.

Failure to comply.

The operator or the superintendent who fails to comply with the provisions of this article shall be deemed guilty of a misdemeanor.

Special rules 1, 5, 7, 11 and 12 of article 25, amended.

Section 37. That special rules one, five, seven, eleven, and twelve, of article twenty-five of said act, are hereby amended to read as follows:

Duties of Miner.

Special rule 1.

Rule One. The miner shall examine his working place before beginning work, and take down all dangerous slate, or otherwise make it safe by properly timbering it before commencing to mine or load coal. He shall examine his place to see whether the fire boss has left the date marks indicating his examination thereof, and if said marks cannot be found it shall be the duty of the miner to notify the mine foreman or the assistant mine foreman of the fact. The miner shall at all times be careful to keep his working place in a safe condition during working hours.

Danger.

Should he at any time find his place becoming dangerous from gas or roof or from any unusual condition that may arise, he shall at once cease working and inform the mine foreman or the assistant mine foreman of said danger, but before leaving his place he shall put some plain warning across the entrance thereto to warn others against entering into danger.

Warning.

Blasting.

It shall be the duty of the miner to mine his coal properly before blasting, and to set sprags [under the coal] while [undermining to secure it from falling] *undercutting, centercutting, or overcutting*. After each blast he shall exercise care in examining the roof and

coal, and shall secure them safely before beginning to work.

He shall order all [props] *roof supports, including wedges, cap-pieces, [and timbers] and lagging* necessary, at least one day in advance of needing them, as provided for in the rules of the mine. If he fails to receive said [timbers] *material*, and finds his place unsafe, he shall vacate it until the necessary [timbers] *material [are] is* supplied.

Ordering of
props, etc.

Under no conditions shall the miner use coal dust or any other combustible material for tamping in any [gaseous] mine.

Combustible
tamping forbid-
den.

When places are liable to generate sudden outbursts of explosive gas, no miner shall be allowed to charge or fire shots, except under the supervision and with the consent of the mine foreman or the assistant mine foreman, or some other competent person designated by the mine foreman for that purpose.

Explosive gas.

The miner shall remain during working hours in the working place assigned to him by the mine foreman or the assistant mine foreman, and he shall not leave his working place for another working place without the permission of the mine foreman, assistant mine foreman, or fire boss, and he shall not wander about the hauling roads or enter abandoned or idle workings.

Shall remain in
working place.

Duties of Motorman and Locomotive Engineer.

Rule Five. The motorman or locomotive engineer shall keep a sharp lookout ahead, and sound the whistle or alarm bell frequently when coming near the parting switches or landings, and shall not exceed the speed allowed by the mine foreman. He shall see that the motors, cables, and controlling parts are kept clean and in a safe operating condition, and that the headlight is burning properly when the locomotive is in motion. He shall not allow any person except his [attendant] *assistant* to ride on the locomotive or on the full cars, *and it shall be unlawful for any motorman to operate a locomotive in gathering service without an assistant, except when written permission is given by the inspector of the district to do otherwise; which written permission may be modified or withdrawn at the pleasure of the inspector. Gathering service shall include all shuttling of mine cars before trains are consolidated on a main parting.*

Special rule 5.

Duties of Fan [Engineer] *Attendant*.

Rule Seven. The [engineer] *attendant* in charge of the ventilating fan at a mine shall keep it running at such speed as the mine foreman shall direct in writing. He shall report promptly to the mine foreman or assistant mine foreman any defect in the pressure gauge;

Special rule 7.

and, in case of accident to the boiler or fan machinery, he shall immediately notify the mine foreman or the assistant mine foreman. If only ordinary repairs of the fan or machinery become necessary, he shall wait the instruction of the mine foreman or assistant mine foreman before stopping the fan. Should it be impossible to run the fan, or become necessary to stop it to prevent its destruction, he shall notify at once the superintendent or mine foreman, who shall give immediate warning to the persons in the mine.

An attendant shall be constantly kept on duty at all principal ventilating fans while men are in the mine, unless a visual signal indicating the revolutions of the fan as well as an audible signal announcing a stoppage of the fan, is provided; conditioned such signals are at points where they will be constantly under the observation and within the hearing of a reliable person: Provided, however, That the use of fan attendants shall not be discontinued until the inspector shall have approved the reliability of the equipment used in the signal system, and its arrangements.

Duties of Footman.

Special rule 11.

Rule Eleven. At every shaft or slope where persons are lowered into or hoisted from the mine, a footman (who shall be over twenty-one years of age), shall be designated by the superintendent or mine foreman. He shall be [at his proper place] *available* from the time that persons begin to descend, [until all the persons who may be at the bottom of the shaft or slope when quitting work at the end of the day shall be hoisted] *and so remain while persons engaged in mining or transporting coal are underground.* The footman shall personally attend to the signals, and see that the provisions of this act in respect to hoisting persons in shafts or slopes are complied with.

The footman shall not allow any tools to be placed on the same cage with [men or boys] *persons* or on either cage when they are being hoisted out of the mine, except for the purpose of repairing the shaft or machinery therein. The men shall place their tools in cars provided for that purpose, which cars shall be hoisted before or after the men have been hoisted. He shall see that no driver or other person ascends the shaft with any horse or mule. [unless the said horse or mule is secured in a suitable box or safely penned, and only the driver in charge of said horse or mule shall accompany it in any case.] The footman shall immediately inform the mine foreman of any violation of this rule or of general rule fifteen.

Duties of Topman.

Rule Twelve. At every shaft or slope where persons are lowered into or hoisted from the mine, a topman or trip rider (who shall be over twenty-one years of age), shall be designated by the superintendent or mine foreman. He shall be [at his proper place] *available* from the time that persons begin to descend, [until all the persons who may be at the bottom of the shaft or slope, when quitting work at the end of the day, shall be hoisted.] *and so remain while persons engaged in mining or transporting coal are underground.* The topman or trip rider shall personally attend to the signals, and see that the provisions of this act in respect to lowering persons in shafts or slopes are complied with.

Special rule 12.

The topman shall not allow any tools to be placed on the same cage with [men or boys] *persons* or on either cage when persons are being lowered into the mine, except for the purpose of repairing the shaft or the machinery therein. The men shall place their tools in cars provided for that purpose, which cars shall be lowered before or after the men have been lowered.

He shall also see that no driver or other person descends the shaft with any horse or mule. [unless the said horse or mule is secured in a suitable box or safely penned, and only the driver in charge of said horse or mule shall accompany it in any case.]

The topman of a slope or incline plane shall be careful to close the safety block or other device as soon as the cars have reached the landing, in order to prevent any loose or runaway cars from descending the slope or incline plane, and in no case shall said safety block or other device be withdrawn until the cars are coupled to the rope or chain and the proper signal given. He shall carefully inspect each day all the machinery in and about the check house and the rope used for lowering the coal, and shall promptly report to the superintendent any defect discovered, and shall use care in attaching securely the cars to the rope and in lowering them down the incline. He shall ring the alarm bell in case of accident, and when necessary immediately set free to act the drop logs or safety switch.

The topman of a shaft shall see that the springs or keeps for the cage to rest upon are kept in good working order, and when taking the full car off he must be careful that no coal or other material is allowed to fall down the shaft.

It shall be the duty of the topman to report to the superintendent any violation of general rule fifteen of this article.

Section 38. That general rules two, thirteen, sixteen, and seventeen, of article twenty-five of said act, are hereby amended to read as follows:

General rules 2, 13, 16 and 17, of article 25, amended.

General rule 2. Rule Two. No person in a state of intoxication shall [be allowed to] go into or loiter about [the] a mine.

General rule 13. Rule Thirteen. No powder or high-explosive shall be taken into [the] a mine at one time, by any one person, in greater quantities than is required for use in one shift, and the quantity shall never exceed five pounds, except as provided for in article sixteen, section one: *Provided, That in electrical equipped mines, powder and detonators shall be carried in nonconducting receptacles made of material approved by the Secretary of Mines.* [All powder shall be carried into the mine in metallic cans or canisters or in receptacles of equally safe material.]

General rule 16. Rule Sixteen. No *approved* safety lamp shall be entrusted to any person, for use in a mine, until said person has given satisfactory evidence to the mine foreman that he understands the proper use thereof and the danger of tampering with the same.

General rule 17. Rule Seventeen. No one except a person duly authorized by the mine foreman shall have in his possession a key or other instrument for the purpose of unlocking any *approved* [safety] lamp in any mine where [locked] *approved* [safety] lamps are used. Other persons than those duly authorized by the mine foreman having keys or other instruments for the opening of *approved* [safety] lamps shall be prosecuted by the superintendent, in accordance with section two of article twenty-six of this act.

General rule 18 of article 25, as amended by act of May 13, 1915 (P. L. 310), further amended. Section 39. That general rule eighteen of article twenty-five of said act, as amended by the act, approved the thirtieth day of May, one thousand nine hundred fifteen, (Pamphlet Laws, three hundred ten), is hereby further amended to read as follows:

General rule 18. Rule Eighteen. In the cutting of clay veins, spars, or faults in entries or other narrow workings going into the solid coal, in mines wherein explosive gas is generated, [In dangerous quantities] a bore hole [should] *shall* be kept not less than three feet in advance of the face of the work, or three feet in advance of any shot hole drilled for a blast to be fired [in] *therein; but this provision does not apply to mines or portions of mines in which permissible electrical equipment and permissible explosives are used, and shot-firers are employed, and in which approved lamps are used exclusively.*

General rule 24 of article 25, amended. Section 40. That general rule twenty-four, of article twenty-five of said act, is hereby amended to read as follows:

General rule 24. Rule Twenty-four. No explosive shall be forcibly pressed into a hole that is of insufficient size, and when a hole has been charged the explosives shall not be taken out, *except by a stream of water having sufficient force to wash out of the hole both the stemming and the*

charge; and no hole shall be bored for blasting at a distance of less than twelve inches from any hole when the charge has misfired.

Section 41. That general rule twenty-five, of article twenty-five of said act, as amended by the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine, (Pamphlet Laws, eight hundred eighty), is hereby further amended to read as follows:

Rule Twenty-five. In all [gaseous and in all dry and dusty] mines, shot-firers or other persons charging holes for blasting shall use incombustible material for tamping. All holes in any mine before being fired shall be solidly tamped the full length of the hole: Provided, however, That with the consent of the mine inspector, "cushion" or "air" blasting shall be permitted. Any person who violates this rule shall be deemed guilty of a misdemeanor.

Section 42. That general rule thirty-two, of article twenty-five of said act, as amended by the act, approved the twelfth day of July, one thousand nine hundred and thirty-five, (Pamphlet Laws, six hundred fifty-six), is hereby further amended to read as follows:

Rule Thirty-two. No person shall carry any matches, pipes, or other smokers' articles into a gaseous mine, or portion of a gaseous mine, worked exclusively with [locked flame] *approved* safety lamps or approved electric [cap] lamps, or both, nor shall [he] *any person* have any of said articles in his possession while in such a mine: Provided, however, That it shall not be assumed or be inferred that a coal mine is gaseous because of the partial or exclusive use of electric cap lamps.

Section 43. That general rule thirty-five, of article twenty-five of said act, is hereby amended to read as follows:

Rule Thirty-five. Every person who contravenes or does not comply with any of the special and general rules in this act, *as herein amended*, shall be deemed guilty of a misdemeanor.

Section 44. That article twenty-five of said act is hereby amended by adding thereto, after general rule thirty-five, five new general rules, to read as follows:

Rule Thirty-six. All conveyor entries shall be provided with a minimum width and height of not less than four feet for travel; but in conveyor entries in which track is installed, the minimum amount of clearance shall not be less than two and one-half feet, which clearance space shall be continuous throughout the entry. All such travel space and clearance space shall be kept free of all forms of obstruction under foot, and free from electric wires and electric cables. A space of not less than four feet in width shall be provided for travel from the immediate entrance of each working place to

General rule 25 of article 25, as amended by act of April 30, 1929 (P. L. 880), further amended.

General rule 25.

General rule 32 of article 25, as amended by act of July 12, 1935 (P. L. 656), further amended.

General rule 32.

General rule 35 of article 25, amended.

General rule 35.

Article 25 amended by adding general rules 36, 37, 38, 39 and 40.

General rule 36.

the face thereof, which space shall be kept free of all forms of obstruction under foot and free from electric wires and electric cables.

General rule 37. *Rule Thirty-seven. At all points where men must of necessity cross conveyors, the conveyor at the point where the crossing is made shall be so arranged that men can cross safely and conveniently, without coming in contact with the conveyor.*

General rule 38. *Rule Thirty-eight. All conveyors in working places shall be brought to rest while mine officials are making examinations, and so remain until the examination is completed.*

General rule 39. *Rule Thirty-nine. All electric motors and cables, in dry areas and in gaseous areas in conveyor sections, shall have all coal dust removed from their exterior surfaces once each operating shift, and all electric equipment in areas of the above characters shall be thoroughly examined by a competent person once each calendar day such equipment is used; and a written report of the condition of such equipment shall be made by the person making the examination, which report shall also give an identification number of the piece of equipment so examined. Said report shall be kept in a book furnished by the operator or superintendent, and shall be preserved for a period of one year.*

General rule 40. *Rule Forty. All electric wires or electric cables in completed portions of conveyor entries shall be carried on insulators, and all electric cables constantly kept in rooms or pillars or other working places shall be carried on suitable supports to within seventy feet of the face of each working place.*

Article 26,
amended.

Section 45. That article twenty-six of said act is hereby amended to read as follows:

ARTICLE XXVI.

Penalties for Violations of This Act.

Penalties.

Section 1. Any person who shall intentionally or carelessly injure any [safety] approved lamp, instrument, air course or brattice, or without proper authority handle, remove or render useless any fencings, means of signaling, apparatus, instrument or machinery, or shall obstruct or throw open airways, or enter a place in or about the mine against caution, or carry fire, open lights, matches, pipes and other smokers' articles beyond any station inside of which [locked safety] approved lamps are [used] required by this act, or open a door in the mine and not close it immediately, or open any door the opening of which is forbidden, or disobey any order given in carrying out the provisions of this act, or do any other act whatsoever, whereby the lives or the health of the persons employed, or the security

Violations.

of the mine or the machinery, are endangered, shall be deemed guilty of a misdemeanor, and shall be punished as provided in section two of this article.

Section 2. Any person who neglects or refuses to perform the duties required of him by this act, *or who makes any false statement in any report required by this act, or who is responsible for failure to comply with any decision made in accordance with this act*, or who violates any of the provisions or requirements thereof, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof in the court of quarter sessions of the county in which the misdemeanor was committed, be punished by a fine not exceeding two hundred dollars, or imprisonment in the county jail for a period not exceeding three months, or both, at the discretion of the court. Any violation of this act which has been declared to be a misdemeanor by any part thereof shall be punished in like manner.

Neglect or refusal.

Penalty.

Section 46. That sections one and two, of article twenty-eight of said act, are hereby amended to read as follows:

Sections 1 and 2 of article 28, amended.

Section 1. Should a mine, or a portion of a mine, that has at any time generated explosive gas in quantities sufficient to be detected by an approved safety lamp, after the passage of this act not so generate explosive gas during any one period of [one] *two* years, then such mine, or portion of a mine, shall not be governed or controlled by the provisions of this act for mines or portions of mines generating explosive gas.

Change in mine to non-gaseous.

Section 2. The provisions of this act as to mines, or portions of a mine, generating explosive gas in quantities sufficient to be detected by an approved safety lamp, shall [not] apply to any mine, *or portion of a mine*, wherein explosive gas is [being] *so* generated. [only in live entries]

Application of act.

Section 47. The act, approved the fifteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, nine hundred seventy-nine), entitled "An act to safeguard life in the coal-mines of the Commonwealth of Pennsylvania, and to protect and preserve the property connected therewith, by providing that all inside buildings shall be constructed of incombustible material; and providing penalties for failure to comply with the terms of this act, and making a violation thereof by mine superintendents a misdemeanor," is hereby repealed in so far as it relates to stables in bituminous coal mines.

Repeals.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE