

of which five years there must be not less than two years' practical experience inside of the bituminous mines of Pennsylvania: Provided, That graduates in the coal mining course of a recognized institution of learning may be granted certificates of qualification by the examining board as mine foremen, assistant mine foremen, and fire bosses, if possessed of an aggregate of not less than three years' practical experience as miners or mining engineers or men of general work inside of the bituminous mines of Pennsylvania. Applicants for certificates of qualification as fire bosses [shall be citizens of the United States, of good moral character and of known temperate habits, at least twenty-three years of age, and shall have had at least five years' practical experience, after sixteen years of age, as miners or men of general work, and] shall also have had experience in bituminous mines in Pennsylvania that generate explosive gas.

Qualification of
fire bosses.

APPROVED—The 7th day of April, A. D. 1925.

GIFFORD PINCHOT.

No. 125.

AN ACT

To amend paragraph two, section nine, article four; paragraph three, section fourteen, article four; and sections one and three of article ten of an act, approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, seven hundred and 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."

Section 1. Be it enacted, &c., That paragraph two, section nine, article four of an act, approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, seven hundred and 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:

Bituminous coal
mines.

Safety lamps and
open lights.

Paragraph 2, section 9, article IV of act of June 9, 1911 (P. L. 756), amended.

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: *Provided, however, That the above provisions shall not prohibit the substitution for water of any other substance*

Dampening of
dust.

Proviso.

which will render coal dust on the sides, bottom, and timbers inert to explosibility.

Paragraph 3, section 14, article IV, amended.

Section 2. That paragraph three, section fourteen, article four of said act is hereby amended to read as follows:

Gas at roof.

No shot-firer or any other person shall fire a shot in any working place [or] in any mine if his safety lamp can detect explosive gas at the roof. 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 some other means*: 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.

Proviso.

Section 1, article X, amended.

Section 3. That section one of article ten of said act is hereby amended to read as follows:

Approved Electric Lamps, Locked Safety Lamps and Open Lights; Defining When They [Either or Both] Can Be Used.

Safety lamps and open lights.

Section 1. The use of open lights is prohibited in any entry, airway, traveling way, room, or any other working place where explosive gas is being generated 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 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

Electric lamps.

Proviso.

Open lights prohibited where explosive gas might exist.

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 safety lamps exclusively, he shall have the right to petition the Chief of the Department of Mines, in writing, setting forth such opinion and his reasons therefor. Whereupon the said chief 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

Proviso

Inspection.

appointment, make a report in writing to the Chief 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 practicable, reputable and competent persons, two of whom shall be recommended by the superintendent, general 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 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.

Report.

Decision of committee conclusive unless appealed from.

Commission to investigate.

Proviso.

Court to fill vacancy on commission.

Duty of commission.

Report.

Exceptions.

Hearing and decree.

Proviso.

Review by Supreme Court.

Section 3, article X, amended.

Open lights prohibited in return air current.

Section 4. That section three of article ten of said act is hereby 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 safety lamps or *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.

APPROVED—The 7th day of April, A. D. 1925.

GIFFORD PINCHOT.

No. 126.

AN ACT

To amend section five of article two of an act, approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, seven hundred and 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."

Bituminous coal mines.

Section 5 of article II of act of June 9, 1911 (P. L. 756), amended.

Inspector to have copy of original map.

Extensions to be placed thereon every six months.

Proviso.

May furnish blue print.

Separate copy for each seam worked.

Section 1. Be it enacted, &c., That section five of article two of an act, approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, seven 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:

Section 5. The operator or the superintendent of every mine shall furnish the inspector of the district with a true and correct copy of the aforesaid original map of said mine, on tracing cloth, and at the end of every six months thereafter the inspector shall return said copy to the operator or the superintendent, who shall place or cause to be placed thereon all the extensions made, and all portions of the mine worked out or abandoned, during the preceding six months, as provided for in section four of this article, and shall forward the map to the inspector within thirty days from the time of receiving it: Provided, That in lieu of the map on tracing cloth as aforesaid, the operator or the superintendent shall have the privilege of furnishing every six months a blue print showing the complete workings of the mine to date. When more than one seam of coal is being worked in any mine, the inspector shall be provided with a separate copy of the original map on tracing cloth or a blue print of the