

as, in his opinion, to threaten or tend to the bodily injury of any persons, such Inspector may give notice in writing thereof to the owner or agent of the mine, and shall state in such notice the particulars in which he considers such mine, or any part thereof, or any matter, thing, or practice, to be dangerous or defective, and require the same to be remedied, and unless the same be forthwith remedied the Inspector shall also report the same to the Minister.

56. (1.) If the owner or agent of the mine—

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

If owner or agent objects to comply with requisition, question to be determined by arbitration.

1891, No. 46, sec. 50

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

If he fails to comply with award, or with requisition where no arbitration, he is guilty of offence against Act.

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

Court may adjourn proceedings for penalty to enable requisition or award to be complied with.

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

No agreement to be bar to complying.

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

Penalty if any person commits breach of Act whereby any other person is injured or killed.

Ibid, sec. 51

50 58. (1.) Any accident occurring in a mine shall be *prima facie* evidence that such accident occurred through some negligence on the part of the owner.

Accident in mine *prima facie* evidence of negligence.

1903, No. 80, sec. 3

(2.) If any person employed in or about any mine suffers any injury in person, or is killed, owing to the non-observance in such

Compensation in case of accidents caused by negligence.