

## A BILL

FOR AN ACT TO REGULATE MINES AND MINING, AND TO REPEAL AN ACT  
THEREIN NAMED.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there shall be  
2 appointed by the governor, with the advice and consent of the senate, one state mine in-  
3 spector, who shall hold his office for two years: subject, however, to be removed by the gov-  
4 ernor for neglect of duty, or malfeasance in office. Said inspector shall have a theoretical  
5 and practical knowledge of the different systems of working and ventilating coal mines, and  
6 of the nature and properties of the noxious and poisonous gases of mines, particularly fire-  
7 damp, and mining engineering. And said inspector, before entering upon the discharge of  
8 his duties, shall take an oath, or affirmation, to discharge the same faithfully and impar-  
9 tially, which oath or affirmation shall be endorsed upon his commission, and his commission,  
10 so endorsed shall be forthwith recorded in the office of the secretary of state; and such in-  
11 spector shall give bond in the sum of two thousand dollars, with sureties to the approval of  
12 the governor, conditioned for the faithful discharge of his duty.

SEC. 2. Said inspector shall give his whole time and attention to the duties of his office,  
2 and shall examine all the mines in this state as often as his duties will permit, to see that the  
3 provisions of this act are obeyed; and it shall be lawful for such inspector to enter, inspect  
4 and examine any mine in the state, and the works and machinery belonging thereto, at all  
5 reasonable times, by night or by day, but so as not to unnecessarily obstruct or impede the  
6 working of the mines: and to make inquiry and examination into the state and condition of the  
7 mine, as to ventilation and general security, as required by the provisions of this act. And the  
8 owners and agents of such mines are hereby required to furnish the means necessary for such  
9 duty and inspection, of which inspection the inspector shall make a record, noting the time  
10 and all the material circumstances. And it shall be the duty of the person having charge of  
11 any mine, whenever loss of life shall occur by accident connected with the working of such  
12 mine, or by explosion, to give notice forthwith, by mail or otherwise, to the inspector of  
13 mines, and to the coroner of the county in which such mine is situated; and the coroner

14 shall hold an inquest on the body of the person or persons whose death has been caused, and  
 15 inquire carefully into the cause thereof, and shall return a copy of the verdict, and all the  
 16 testimony, to said inspector. No person having a personal interest in, or employed in the  
 17 management of, the mine where a fatal accident occurs, shall be qualified to serve on the jury  
 18 empaneled on the inquest.

SEC. 3. Said inspector, while in office, shall not act as an agent, or as a manager, or min-  
 2 ing engineer, or be interested in operating any mine, and he shall annually, on or before the  
 3 first day of January, make report to the governor of his proceedings, and the condition and  
 4 operations of the mines in this state, enumerating all accidents in or about the same, and  
 5 giving all such information as he may think useful and proper, and making such suggestions  
 6 as he may deem important as to further legislation on the subject of mining.

SEC. 4. Said inspector shall receive a salary of twenty hundred dollars per annum, to be  
 2 paid in quarterly installments, and he shall have and keep an office in the state-house at Des  
 3 Moines, in which shall be kept the maps and plans of all mines in this state, and, also, all  
 4 records and correspondence, papers, and apparatus, and property pertaining to his duties be-  
 5 longing to the state, and which shall be handed over to his successor in office.

SEC. 5. Any vacancy occurring when the senate is not in session, either by death or resig-  
 2 nation, removal by the governor, or otherwise, shall be filled by appointment by the governor,  
 3 which appointment shall be good until the close of the next session of the senate, unless the  
 4 vacancy is sooner filled, as in the first section provided.

SEC. 6. There shall be provided for said inspector all instruments and chemical tests  
 2 necessary for the discharge of his duties under this act, which shall be paid for on the certifi-  
 3 cate of the inspector, and which shall belong to the state.

SEC. 7. The owner or agent of every coal mine shall make, or cause to be made, an accu-  
 2 rate map or plan of the working of such mine, on a scale of not less than one hundred feet  
 3 to the inch, showing the area mined or excavated. A copy of said map or plan shall be kept  
 4 at the office of such mine. The owner or agent shall, on or before the first day of September,  
 5 1880, and annually thereafter, cause to be made a statement and plan of the progress of the  
 6 workings of such mine up to said date, which statement and plan shall be marked on the  
 7 original map or plan herein required to be made. In case of refusal on the part of said  
 8 owner or agent, for two months after the time designated, to make the map or plan, or the  
 9 addition thereto, the inspector is authorized to cause an accurate map or plan of the whole  
 10 of said mine to be made at the expense of the owner thereof, the cost of which shall be re-  
 11 coverable against the owner in the name of the person or persons making said map or plan,

12 which shall be made in duplicate, one copy being delivered to the inspector, and the other  
13 left in the office of the mine.

SEC. 8. Six months from and after the passage of this act it shall not be lawful for the  
2 owner or agent of any coal mine operated by shaft or slope to employ any person to work  
3 therein, or permit any person to work in such mine, unless there are to every seam of coal  
4 worked in such mine at least two separate outlets, separated by natural strata of not less  
5 than one hundred feet in breadth, by which shafts or outlets distinct means of ingress and  
6 egress must be always available to afford speedy escape from such mine in case of explosion,  
7 cavings or falling in of either shaft. But if in the judgment of the inspector an additional  
8 shaft is deemed necessary, then the same shall be provided, subject, however, to the decision  
9 of the circuit court of the county in which the mine is situated.

SEC. 9. All mines which are opened hereafter shall be allowed twelve months to make  
2 said outlets as provided in section 8, but not more than twenty men shall be employed in such  
3 mines at one time until the provisions of section 8 are complied with, and after the expira-  
4 tion of the twelve months, should said mine not have the outlets aforesaid, they must reduce  
5 their number to ten miners.

SEC. 10. The owner or agent of every coal mine, whether shaft, slope or drift, shall pro-  
2 vide and maintain, within six months after the passage of this act, for every such mine, an  
3 amount of ventilation of not less than one hundred cubic feet per minute per person em-  
4 ployed in such mine, and as much more as the inspector may direct, which shall be circulated  
5 to the face of each and every working place throughout the mine; and all mines generating  
6 fire-damp shall be kept free of standing gas; and in all mines where fire-damp is generated,  
7 every working place shall be carefully examined every morning with a safety-lamp, by a  
8 competent person, before any of the workmen are allowed to enter; and the air shall be so  
9 divided as to give to every forty miners a supply of fresh air so as not to use the same vol-  
10 ume of air to all the workmen in such mine.

SEC. 11. The owner or agent of every coal mine, operated by shaft or slope, in all cases  
2 where the human voice cannot be distinctly heard, shall forthwith provide and maintain a  
3 metal tube from the top to the bottom of said shaft or slope, suitably calculated for the free  
4 passage of sound therein, so that conversation may be held between persons at the bottom  
5 and top of the shaft or slope; and there shall be provided a sufficient cover overhead on all  
6 carriages used for lowering and hoisting persons, and on the top of every shaft an approved  
7 safety-gate; and also an approved safety-spring on the top of every slope, and an adequate  
8 brake shall be attached to every drum or machine used for lowering or raising persons in all  
9 shafts or slopes.

SEC. 12. No owner or agent of any coal mine, operated by shaft or slope, shall place in  
 2 charge of any engine used for lowering into or hoisting out of such mine persons employed  
 3 therein, any but experienced, competent and sober engineers; and no engineer in charge of  
 4 such engine shall allow any person, except such as may be deputed for that purpose by the  
 5 owner or agent, to interfere with it, or any part of the machinery; and no person shall inter-  
 6 fere or in any way intimidate the engineer in the discharge of his duties; and in no case  
 7 shall more than six men ride on any cage or car at one time, and no person shall ride upon  
 8 or against any loaded cage or car in any shaft or slope.

SEC. 13. All the safety-lamps used for examining coal mines, or which may be used in  
 2 working any mine, shall be the property of the owner of the mine, and shall be under the  
 3 charge of the agent of such mine; and in all mines the doors used in assisting or directing the  
 4 ventilation of the mine shall be so hung and adjusted that they will shut of their own accord  
 5 and cannot stand open; and in all mines the mining boss shall keep a careful watch over the  
 6 ventilating apparatus and the air-ways, and he shall measure the ventilation at least once a  
 7 week at the inlet and outlet, and also at or near the face of all the entries; and all such  
 8 measurements shall be reported once a month to the inspector.

SEC. 14. No boy under twelve years of age shall be allowed to work in any mine; and it  
 2 shall be the duty of the agent of such mine to see that the provision of this section is not  
 3 violated.

SEC. 15. In case any coal mine does not, in its appliances for the safety of the persons  
 2 working therein, conform to the provisions of this act, or the owner or agent disregards the  
 3 requirements of this act, for twenty days after being notified by the inspector, any court of  
 4 competent jurisdiction, in session or vacation, may, on application of the inspector, by civil  
 5 action in the name of the state, enjoin or restrain the said owner or agent from working or  
 6 operating such mine with more than ten miners at once, until it is made to conform to the  
 7 provisions of this act, and such remedy shall be cumulative, and shall not take the place of  
 8 or affect any other proceedings against such owner or agent authorized by law for the matter  
 9 complained of in such action.

SEC. 16. Any miner, workman, or other person, who shall knowingly injure, or interfere  
 2 with any safety-lamp, air-course, or brattice, or obstruct or throw open doors, or disturb any  
 3 part of the machinery, or disobey any order given in carrying out the provisions of this act, or  
 4 ride upon a loaded car or wagon in a shaft or slope, or do any act whereby the lives and  
 5 health of the persons or the security of the mines and machinery is endangered; or if any  
 6 miner or person employed in any mine governed by the provisions of this act, shall neglect or  
 7 refuse to securely prop or support the roof and entries under his control, or neglect or refuse

8 to obey any order given by the superintendent in relation to the security of the mine in the  
9 part of the mine under his charge or control, every such person shall be deemed guilty of a  
10 misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty  
11 dollars, or imprisonment in the county jail not exceeding thirty days, or both, at the discretion  
12 of the court: *provided, however,* that section (19) nineteen of this act is complied with.

SEC. 17. Whenever written charges, or gross neglect of duty, or malfeasance in office  
2 against any inspector, shall be made and filed with the governor, signed by not less than fif-  
3 teen miners, or one or more operators of mines, together with a bond in the sum of five hun-  
4 dred dollars, payable to the state, and signed by two or more responsible freeholders, and  
5 conditioned for the payment of all costs and expenses arising from the investigation of such  
6 charges, it shall be the duty of the governor to convene a board of examiners, to consist of  
7 two practical miners, one chemist, one mining-engineer and one operator, at such time and  
8 place as he may deem best, giving ten days' notice to the inspector against whom the charges  
9 may be made, and also to the person whose name appears first in the charges; and said board,  
10 when so convened, and having first been duly sworn or affirmed truly to try and decide the  
11 charges made, shall summon any witness desired by either party, and examine them on oath  
12 or affirmation, which may be administered by any member of the board, and depositions may  
13 be read on such examination, as in other cases. And the board shall examine fully into the  
14 truth of such charges, and report the result of their investigations to the governor; and if  
15 their report shows that said inspector has grossly neglected his duties, or is incompetent, or  
16 has been guilty of malfeasance in office, it shall be the duty of the governor forthwith to re-  
17 move such inspector, and appoint a successor; and said board shall award the cost and ex-  
18 penses of such investigation against the inspector, or the person signing said bond, according  
19 to the finding against said inspector or in his favor, which cost and expenses shall include the  
20 compensation of such board at five dollars per day for each member for the time occupied in  
21 the trial, and in traveling from and to their homes; and the attorney-general shall forthwith  
22 proceed to collect such cost and expenses, and pay the same into the state treasury, the said  
23 cost and expenses being in the first instance paid out of the state treasury on the certificate  
24 of the president of the board.

SEC. 18. In all coal mines in this state, the miners employed and working therein, the  
2 owners of the land, or other persons interested in the rental or royalty of any such mine,  
3 shall, at all proper times, have full right of access and examination of all scales, machinery,  
4 or apparatus used in or about said mine to determine the quantity of coal mined, for the pur-  
5 pose of testing the accuracy and correctness of all such scales, machinery, or apparatus; and  
6 such miners, land-owners or other persons may designate or appoint a competent person to act for

7 them, who shall, at all proper times, have full right of access and examination of such scales,  
8 machinery, or apparatus, and seeing all weights, and measures of coal mined, and the accounts  
9 kept of the same: *provided*, not more than one person on behalf of the miners collectively, or  
10 one person on behalf of the land-owners, or other persons interested in the rental or royalty  
11 jointly, shall have such right of access, examination, and inspection of scales, weights, meas-  
12 ures, and accounts, at the same time, and that such persons shall make no unnecessary inter-  
13 ference with the use of such scales, machinery, or apparatus.

SEC. 19. All coal-mine operators or agents shall provide props and timbers of suitable  
2 lengths and dimensions to enable the miner to properly timber and secure his place of work-  
3 ing, the same to be provided and furnished at the miner's place of working, in such quantities  
4 as he may want; but it shall be the duty of the miner to give at least one day's notice of the  
5 timbers required.

SEC. 20. The provisions of this act shall not apply to, or affect, any coal mines in which  
2 not more than ten miners are employed at the same time: *provided*, that upon the applica-  
3 tion of the proprietors of, or miners in, any such mine, the inspector shall make or cause to  
4 be made an inspection of such mine, and direct and enforce any regulations in accordance  
5 with the provisions of this act that he may deem necessary for the safety or the health and  
6 lives of the miners.

SEC. 21. Every corporation or company owning or operating a coal mine, or mines, in  
2 this state, shall be liable for all damages sustained by any person, including employes of such  
3 corporation or company, in consequence of the neglect of agents, or by any mismanagement  
4 of the engineers, or other employes of the corporation or company; and in consequence of  
5 the willful wrongs, whether of commission or omission, of such agents, engineers or other  
6 employes, when such wrongs are in any manner connected with the use and operation of  
7 any mining company on or about which they shall be employed; and no contract which re-  
8 stricts such liability shall be legal or binding.

SEC. 22. The act entitled "An act for the inspection of coal mines, and the working  
2 thereof," passed March 18, 1874, is hereby repealed.

SEC. 23. This act shall take effect and be enforced from and after its passage.

MR. SPEAKER:

Your Committee on Mines and Mining, to whom was referred house file No. 286, a bill for an act to regulate mines and mining and to repeal an act therein named, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the house with the recommendation that the substitute herewith reported be adopted, and when adopted that it do pass.

Ordered passed on file.

B. T. SEAMAN, *Chairman.*

SUBSTITUTE FOR HOUSE FILE NO. 286.]

[BY EVANS,

## A BILL

FOR AN ACT TO REGULATE MINES AND MINING, AND TO REPEAL AN ACT  
THEREIN NAMED.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there shall  
2 be appointed by the governor, with the advice and consent of the senate, one state mine in-  
3 spector, who shall hold his office for two years: subject, however, to be removed by the gov-  
4 ernor for neglect of duty, or malfeasance in office. Said inspector shall have a theoretical  
5 and practical knowledge of the different systems of working and ventilating coal mines, and  
6 of the nature and properties of the noxious and poisonous gases of mines, and of mining en-  
7 gineering. And said inspector, before entering upon the discharge of his duties, shall take  
8 an oath, or affirmation, to discharge the same faithfully and impartially, which oath or affirm-  
9 ation shall be indorsed upon his commission, and his commission, so indorsed, shall be forth-  
10 with recorded in the office of the secretary of state; and such inspector shall give bond in the  
11 sum of two thousand dollars, with sureties to the approval of the governor, conditioned for  
12 the faithful discharge of his duty.

SEC. 2. Said inspector shall give his whole time and attention to the duties of his office,  
2 and shall examine all the mines in this state as often as his duties will permit, to see that  
3 the provisions of this act are obeyed; and it shall be lawful for such inspector to enter, inspect  
4 and examine any mine in this state, and the works and machinery belonging thereto, at all  
5 reasonable times, by night or by day, but so as not to unnecessarily obstruct or impede the

6 working of the mines; and to make inquiry and examination into the state and condition of  
 7 the mine, as to ventilation and general security, as required by the provisions of this act.  
 8 And the owners and agents of such mines are hereby required to furnish the means necessary  
 9 for such duty and inspection, of which inspection the inspector shall make a record, noting  
 10 the time and all the material circumstances. And it shall be the duty of the person having  
 11 charge of any mine, whenever loss of life shall occur by accident connected with the working  
 12 of such mine, or by explosion, to give notice forthwith, by mail or otherwise, to the inspector  
 13 of mines, and to the coroner of the county in which such mine is situated; and the coroner  
 14 shall hold an inquest on the body of the person or persons whose death has been caused, and  
 15 inquire carefully into the cause thereof, and shall return a copy of the verdict, and all the  
 16 testimony, to said inspector. No persons having a personal interest in, or employed in the  
 17 management of, or employed in the mine where a fatal accident occurs, shall be qualified to  
 18 serve on the jury impaneled on the inquest.

SEC. 3. Said inspector, while in office, shall not act as an agent, or as a manager, or min-  
 2 ing engineer, or be interested in operating any mine, and he shall annually, on or before the  
 3 first day of January, make report to the governor of his proceedings, and the condition and  
 4 operations of the mines in this state, enumerating all accidents in or about the same, and  
 5 giving all such information as he may think useful and proper, and making such suggestions  
 6 as he may deem important as to further legislation on the subject of mining.

SEC. 4. Said inspector shall receive a salary of twenty hundred dollars per annum, to be  
 2 paid in quarterly installments, and he shall have and keep an office in the state-house at Des  
 3 Moines, in which shall be kept all records, and correspondence, papers, and apparatus, and  
 4 property pertaining to his duties belonging to the state, and which shall be handed over  
 5 to his successor in office.

SEC. 5. Any vacancy occurring when the senate is not in session, either by death or resig-  
 2 nation, removal by the governor, or otherwise, shall be filled by appointment by the governor,  
 3 which appointment shall be good until the close of the next session of the senate, unless the  
 4 vacancy is sooner filled, as in the first section provided.

SEC. 6. There shall be provided for said inspector all instruments necessary for the dis-  
 2 charge of his duties under this act, which shall be paid for by the state on the certificate of  
 3 the inspector, and shall be the property of the state.

SEC. 7. The owner or agent of every coal mine shall make, or cause to be made, an accu-  
 2 rate map or plan of the working of such mine, on a scale of not less than one hundred feet  
 3 to the inch, showing the area mined or excavated. Said map or plan shall be kept at the  
 4 office of such mine. The owner or agent shall, on or before the first day of September, 1880,

5 and annually thereafter, cause to be made a statement and plan of the progress of the work-  
6 ings of such mine up to said date, which statement and plan shall be marked on the map or  
7 plan herein required to be made. In case of refusal on the part of said owner or agent, for  
8 two months after the time designated, to make the map or plan, or the addition thereto, the  
9 inspector is authorized to cause an accurate map or plan of the whole of said mine to be made  
10 at the expense of the owner thereof, the cost of which shall be recoverable against the owner  
11 in the name of the person or persons making said map or plan.

SEC. 8. After six months from the passage of this act it shall not be lawful for the owner  
2 or agent of any coal mine operated by shaft or slope to employ more than fifteen persons at  
3 one time to work therein, or permit more than fifteen persons at one time to work in such  
4 mine, unless there are to every seam of coal worked in such mine two separate outlets, sepa-  
5 rated by natural strata of not less than fifty feet in breadth, by which shafts or outlets dis-  
6 tinct means of egress must be always available to afford easy escape from such mine in case  
7 of explosion, cavings or falling in of either shaft. But in case of mines operated as in this  
8 section first provided, if in the judgment of the inspector an additional shaft is deemed nec-  
9 essary, then the same shall be provided, subject, however, to the decision of the circuit court  
10 of the county in which the mine is situated.

SEC. 9. All mines hereafter opened shall be allowed one year to make outlets, as provided  
2 in section eight, when such mine is under two hundred feet in depth, and two years when  
3 such mine is over two hundred feet. But not more than twenty men shall be employed in  
4 such mines at one time until the provisions of section eight are complied with, and after the  
5 expiration of the periods above mentioned, should said mines not have the outlets aforesaid,  
6 they must reduce their number to fifteen persons.

SEC. 10. It shall be the duty of said inspector to see that all coal mines are well and  
2 properly ventilated, and that such quantities of air are supplied to the miners at their sev-  
3 eral places of working in each mine as is requisite for their health and safety. The ventila-  
4 tion required by this section may be produced by any suitable appliances, but in case a fur-  
5 nace is used for ventilating purposes, it shall be built in such a manner as to prevent the  
6 communication of fire to any part of the works, by lining the up-cast with incombustible  
7 material for a sufficient distance up from said furnace.

SEC. 11. The owner or agent of every coal mine, operated by shaft or slope, in all cases  
2 where the human voice cannot be distinctly heard, shall forthwith provide and maintain a  
3 metal tube, or other suitable means for communicating, from the top to the bottom of said  
4 shaft or slope, suitably calculated for the free passage of sound therein, so that conversation  
5 may be held between persons at the bottom and top of the shaft or slope; and there shall be

6 provided a sufficient cover overhead on all carriages used for lowering and hoisting persons,  
 7 and on the top of every shaft an approved safety-gate; and also an approved safety-spring on  
 8 the top of every slope; and an adequate brake shall be attached to every drum or machine  
 9 used for lowering or raising persons in all shafts or slopes, and a trail shall be attached to  
 10 every car used on a slope; all of said appliances to be subject to the approval of the in-  
 11 spector.

SEC. 12. No owner or agent of any coal mine, operated by shaft or slope, shall knowingly  
 2 place in charge of any engine used for lowering into or hoisting out of such mine persons em-  
 3 ployed therein, any but experienced, competent and sober engineers; and no engineer in  
 4 charge of such engine shall allow any person, except such as may be deputed for that pur-  
 5 pose by the owner or agent, to interfere with it, or any part of the machinery; and no person  
 6 shall interfere or in any way intimidate the engineer in the discharge of his duties. And  
 7 the maximum number of persons to ascend out of or descend into any coal mine on one cage  
 8 shall be determined by the inspector, but in no case shall such number exceed ten; and no  
 9 person shall ride upon or against any loaded cage or car in any shaft or slope.

SEC. 13. No boy under twelve years of age shall be allowed to work in any mine; and it  
 2 shall be the duty of the agent of such mine to see that the provision of this section is not  
 3 violated.

SEC. 14. In case any coal mine does not, in its appliances for the safety of the persons  
 2 working therein, conform to the provisions of this act, or the owner or agent disregards the  
 3 requirements of this act, for twenty days after being notified by the inspector, any court of  
 4 competent jurisdiction, in session or vacation, may, on application of the inspector, by civil  
 5 action, in the name of the state, enjoin or restrain the said owner or agent from working or  
 6 operating such mine with more than ten miners at once, until it is made to conform to the  
 7 provisions of this act, and such remedy shall be cumulative, and shall not take the place of  
 8 or affect any other proceedings against such owner or agent authorized by law for the matter  
 9 complained of in such action.

SEC. 15. Any miner, workman, or other person, who shall knowingly injure, or interfere  
 2 with any air-course, or brattice, or obstruct or throw open doors, or disturb any part of the  
 3 machinery, or disobey any order given in carrying out the provisions of this act, or ride upon  
 4 a loaded car or wagon in a shaft or slope, or do any act whereby the lives and health of the  
 5 persons or the security of the mines and machinery is endangered; or if any miner, or per-  
 6 son employed in any mine governed by the provisions of this act, shall neglect or refuse to  
 7 securely prop or support the roof and entries under his control, or neglect or refuse to obey

8 any order given by the superintendent in relation to the security of the mine in the part of  
 9 the mine under his charge or control, every such person shall be deemed guilty of a misde-  
 10 meanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars,  
 11 or imprisonment in the county jail not exceeding thirty days, or both, at the discretion of the  
 12 court.

13 ~~SEC. 16.~~ Whenever written charges, or gross neglect of duty, or malfeasance in office  
 14 against any inspector, shall be made and filed with the governor, signed by not less than fif-  
 15 teen miners, or one or more operators of mines, together with a bond in the sum of five hun-  
 16 dred dollars, payable to the state, and signed by two or more responsible freeholders, and  
 17 conditioned for the payment of all costs and expenses arising from the investigation of such  
 18 charges, it shall be the duty of the governor to convene a board of examiners, to consist of  
 19 two practical miners, one mining-engineer and two operators, at such time and place as he  
 20 may deem best, giving ten days' notice to the inspector against whom the charges may be  
 21 made, and also to the person whose name appears first in the charges; and said board, when  
 22 so convened, and having first been duly sworn or affirmed truly to try and decide the charges  
 23 made, shall summon any witness desired by either party, and examine them on oath or  
 24 affirmation, which may be administered by any member of the board, and depositions may  
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 truth of such charges, and report the result of their investigations to the governor; and if  
 their report shows that said inspector has grossly neglected his duties, or is incompetent, or  
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 move such inspector, and appoint a successor; and said board shall award the cost and ex-  
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 cost and expenses being in the first instance paid out of the state treasury on the certificate  
 of the president of the board.

25 **SEC. 17.** In all coal mines in this state, the miners employed and working therein shall,  
 26 at all proper times, have right of access and examination of all scales, machinery or appara-  
 27 tus used in or about said mine, to determine the quantity of coal mined, for the purpose of  
 28 testing the accuracy and correctness of all such scales, machinery or apparatus, and such  
 29 miners may designate or appoint a competent person to act for them, who shall, at all proper  
 30 times, have full right of access and examination of such scales, machinery or apparatus, and

7 seeing all weights and measures of coal mined, and the accounts kept of the same: *provided*,  
8 not more than one person on behalf of the miners collectively shall have such right of access,  
9 examination and inspection of scales, weights, measures and accounts at the same time, and  
10 that such person shall make no unnecessary interference with the use of such scales, ma-  
11 chinery, or apparatus.

SEC. 18. The owner, agent or operator of any coal mine shall keep a sufficient supply of  
2 timber, where required to be used as props, so that the workmen may at all times be able to  
3 properly secure the workings from caving in; and it shall be the duty of the owner, agent  
4 or operator to send down all such props when required.

SEC. 19. The provisions of this act shall not apply to, or affect, any coal mines in which  
2 not more than fifteen persons are employed at the same time: *provided*, that upon the appli-  
3 cation of the proprietors of, or miners in, any such mine, the inspector shall make or cause  
4 to be made an inspection of such mine, and direct and enforce any regulations in accordance  
5 with the provisions of this act that he may deem necessary for the safety or the health and  
6 lives of the miners.

SEC. 20. The act entitled "An act for the inspection of coal mines, and the working  
2 thereof," passed March 18, 1874, is hereby repealed.