

A BILL

FOR AN ACT TO REGULATE MINES AND MINING, AND TO REPEAL CHAPTER
21 OF THE LAWS OF THE TWENTIETH GENERAL ASSEMBLY.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. The Governor, upon the recommendation of a board of examiners selected for
2 that purpose, composed of two practical coal miners, two coal operators, and one mining
3 engineer, to be appointed by the Commissioner of Labor Statistics of Iowa, all of whom
4 shall be sworn to a faithful discharge of their duties, shall appoint three properly qualified
5 persons to fill the office of inspector of coal mines of this State (being an inspector for each
6 district hereinafter provided for), whose commission shall be for the term of two years ;
7 and the inspectors so appointed shall be persons who have been practical miners for at least
8 eight years, the last two years of which, shall have been spent working in or about the
9 mines of the State of Iowa. They shall have a theoretical and practical knowledge of the
10 different systems of working and ventilating coal mines, and of the nature and properties
11 of noxious gases, and of mining engineering. And said inspectors before entering upon the
12 discharge of their respective duties, shall take an oath to discharge the same faithfully and
13 impartially ; which oath shall be indorsed upon their respective commissions, and the com-
14 mission so endorsed shall be forthwith recorded in the office of the Secretary of State, and
15 said inspectors shall each give bond in the sum of two thousand dollars (\$2,000) with sur-
16 eties to the approval of the Governor, conditioned upon the faithful discharge of their
17 duties.

SEC. 2. The State shall be divided into three inspection districts as follows, viz: The first
2 inspection district shall be composed of the counties of Page, Taylor, Wayne, Appanoose,
3 Davis, Van Buren, Adams, Lucas, Monroe, Jefferson and Henry. The second district the
4 counties of Cass, Warren, Marion, Mahaska, Keokuk, Scott and Jasper. The third district
5 the counties of Dallas, Polk, Guthrie, Greene, Boone, Webster, Hamilton and Hardin. Pro-
6 vided, that should other counties not herein named, develop coal mines at any future time,
7 the Governor shall attach them to the nearest inspection district.

SEC. 3. Said inspectors shall give their whole time and attention to the duties of their
2 several offices, and shall examine all the mines in their respective districts, as often as their
3 other duties will permit ; to see that the provisions of this act are obeyed ; and it shall be
4 lawful for such inspectors to enter, inspect and examine any mine in their respective dis-

5 tricts, and the works and machinery belonging thereto at all reasonable times by night and
6 by day, but so as not to unnecessarily obstruct or impede the working of the mines, and to
7 make inquiry and examination into the state and condition of the mines as to ventilation
8 and general security as required by the provisions of this act. And the owners and agents
9 of such mines are hereby required to furnish the means necessary for such duty and inspec-
10 tion. The inspector shall make a record of such inspection, noting the time and all the
11 material circumstances. And it shall be the duty of the person having charge of any mine
12 whenever any loss of life shall occur by accident connected with the workings of such mines,
13 or by explosion, to give notice forthwith by mail or otherwise to the district inspector of
14 mines of the district in which such mine is situated, and to the coroner of the county in which
15 such mine is situated. And the coroner shall hold an inquest on the body of the person or
16 persons whose death has been caused, and inquire carefully into the cause thereof, and
17 shall return a copy of the verdict and all the testimony to said inspector. No person hav-
18 ing a personal interest in or employed in the mine where a fatal accident occurs, shall be
19 qualified to serve on the jury impanelled on the inquest. And the owner or agent of all
20 coal mines shall report to the inspector of the district in which his mine is situated, all ac-
21 cidents to miners in and around the mines, giving cause. Such report to be made in writ-
22 ing, and within ten days from the time any such accidents occur.

SEC. 4. Said inspector while in office, shall not act as an agent or as a manager or mining
2 engineer, or be interested in operating any mine. And they shall biennially, on or before
3 the fifteenth day of August preceding the regular session of the General Assembly, make a
4 report to the Governor, of their proceedings and the condition and operation of the mines
5 of their respective districts, enumerating all accidents in or about the same, and giving all
6 such information as they may think useful and proper, and making such suggestions as
7 they may deem important, as to future legislation on the subject of mining.

SEC. 5. Said Inspectors shall each receive a salary of fifteen hundred dollars (\$1,500) per
2 annum, payable monthly, necessary stationery and actual traveling expenses, not to exceed
3 five hundred dollars (\$500) per annum. Provided that they each shall file at the end of each
4 quarter of their official year, with the Auditor of State, a sworn statement of their actual
5 traveling expenses incurred in the performance of their official duties for such quarter.
6 They shall have and keep an office in the Capitol at Des Moines, in which shall be kept all
7 records and correspondence, papers, apparatus and property pertaining to their duties, be-
8 longing to the State and which shall be handed over to their successors in office.

SEC. 6. The board of examiners provided for in section one of this act, shall be ap-
2 pointed immediately on this act taking effect, and biennially thereafter, on the first Mon-
3 day in January, and they shall hold their office for two years. They shall meet biennially in
4 the State Capitol at Des Moines, on the first Tuesday in March next after their appoint-

5 ment. Special meetings may be called at any time by the Commissioner of Labor Statistics
6 when the office of Mine Inspector becomes vacant. They shall receive as compensation, the
7 sum of \$4 per day each, for time actually employed in the duties of their office, and actual
8 traveling expenses, to be verified by affidavit; *provided*, that in no case shall the per diem
9 received by any member of said Board exceed the sum of \$100 per annum. The Auditor of
10 State is hereby authorized to issue his warrant in favor of each member of the Board of
11 Examiners, at the close of each of the regular or special sessions, for the full amount due
12 them for attending such sessions, and expenses, upon vouchers sworn to by them and ap-
13 proved by the Commissioner of Labor Statistics and the Governor.

SEC. 7. There shall be provided for said Inspectors, all instruments necessary for the dis-
2 charge of their duties under this act, which shall be paid for by the State, on the certificate
3 of the Inspector, and shall be the property of the State.

SEC. 8. The agent or owner of every coal mine, shall make or cause to be made, an ac-
2 curate map or plan of the workings of such mine, on a scale of not less than one hundred
3 feet to the inch, showing the area mined or excavated in each and every vein being worked
4 in such mines, together with the boundaries lines of said coal mines, and deposit a true
5 copy of said map or plan with the Inspector of Coal Mines, in whose district such mine is
6 situated, to be filed in his office. And another true copy of said map or plan, with the re-
7 corder of the county in which said coal mine is situated, to be filed in his office; both of
8 which said copies shall be deposited within three (3) months from the day when this act
9 shall go into effect; and the original, or a copy of such map shall also be kept for inspection
10 at the office of such coal mine. And during the month of January, of each and every year
11 hereafter, the said owner, agent or operator shall furnish the Inspector of said district and
12 recorder as aforesaid, with a statement and further map or plan of the progress of such
13 coal mine, continued from the last report to the end of the December month just preceding;
14 and the Inspector shall correct his map or plan of said workings in accordance with the
15 statement and map or plan thus furnished. In case of refusal or neglect on the part of
16 said owner, agent, or operator for two months after the time designated to make the map or
17 plan, or addition thereto, and forward a copy of the same to the Mine Inspector and a copy
18 to the county recorder as hereinbefore provided, the Inspector is authorized to cause an ac-
19 curate map or plan of the whole of said mine to be made at the expense of the owner
20 thereof, the cost of which shall be recovered against the owner, in the name of the person
21 or persons making said map or plan. And the owner, agent or operator of all coal mines
22 hereafter wrought out or abandoned, shall deliver a correct map of said mine to the In-
23 spector of the district in which such mine is situated, to be filed in his office.

SEC. 9. It shall be unlawful for the owner or agent of any coal mine worked by a shaft,
2 to employ or permit any person to work therein unless there are to every seam of coal

3 worked in such mine at least two separate outlets, separated by natural strata of not less
4 than one hundred feet in breadth, by which shafts or outlets distinct means of ingress and
5 egress are always available to the persons employed in the mine, but in no case shall a fur-
6 nace shaft be used for an escape shaft, and if the mine is a slope or drift opening the escape
7 shall be separated from the other openings by not less than fifty feet of natural strata, and
8 shall be provided with safe and available traveling ways. And the traveling ways to the
9 escape in all coal mines shall be kept free from water and falls of roof. And all escape
10 shafts shall be fitted with safe and convenient stairs, at an angle of not more than sixty de-
11 grees descent, and with landings at easy and convenient distances, so as to furnish easy
12 escape from such mine; and all air shafts used as escapes where fans are employed for ven-
13 tilation shall be provided with suitable appliances for hoisting the underground workmen,
14 said appliances to be always kept at the mine ready for immediate use. And in no case
15 shall any combustible material be allowed between escape shaft and hoisting shaft, except
16 such as is absolutely necessary for the operation of the mine; provided that where the fur-
17 nace shaft is large enough to admit of being divided into an escape shaft and furnace shaft
18 there may be a partition placed in said shaft, properly constructed so as to exclude the
19 heated air and smoke from the side of the shaft used as an escape shaft, such partition to
20 be built of incombustible material, for a distance of not less than fifteen feet up from the
21 bottom thereof; and provided that where two or more mines are connected underground
22 each owner may make joint provision with the other for the use of the others hoisting shaft
23 or slope as an escape, and in that event the owners thereof shall be deemed to have complied
24 with the requirements of this section. And provided, further, that this act shall not apply
25 to mines operated by slopes or drift openings where not more than five persons are em-
26 ployed therein.

SEC. 10. In all cases there shall be allowed one year to make outlets as provided in sec-
2 tion 8, when such mine is under two hundred feet in depth, and two years when such mine
3 is over two hundred feet in depth, but not more than twenty persons shall be employed in
4 such mine at any one time, until the provisions of section 8 are complied with, and after the
5 expiration of the period above mentioned, should said mine not have the outlets aforesaid,
6 they shall not be operated until made to conform with the provisions of said section 8.

SEC. 11. The owner or agent of every coal mine, whether it be operated by shaft, slope or
2 drift, shall provide and maintain for every such mine, an amount of ventilation of not less
3 than one hundred cubic feet per minute for each person employed in such mine, and not
4 less than five hundred cubic feet per minute for each mule or horse employed in the same,
5 which shall be distributed and circulated throughout the mine in such a manner as to di-
6 lute, render harmless and expel the poisonous and noxious gases from each and every work-
7 ing place in the mine. And crosscuts or breakthroughs shall be driven from entry to entry

8 and from room to room as such excavations are driven forward for the purpose of carrying
9 the ventilation forward to the face of each working place, at distances of not more than
10 sixty feet apart. And all mines governed by the provisions of this act shall be provided
11 with artificial means for producing ventilation, such as exhaust or forcing fans, furnaces
12 or exhaust steam, or other contrivances of such capacity and power as to produce and
13 maintain an abundant supply of air for all the requirements of the persons employed
14 in the mine; but in case a furnace is used for ventilating purposes it shall be built in such
15 a manner as to prevent the communication of fire to any part of the works by lining the
16 upcast with incombustible material for a sufficient distance up from said furnace to insure
17 safety.

SEC. 12. 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 communication from the top to the bottom of said
4 shaft or slope. And there shall be provided a safety catch of approved pattern, and a suffi-
5 cient covering overhead on all carriages used for lowering or hoisting persons, and on the
6 top of every shaft, an approved safety gate; and also an approved safety spring on the top
7 of every slope. And an adequate brake shall be attached to every drum or machine used
8 for raising or lowering persons in all shafts or slopes, and a trail shall be attached to every
9 train used on a slope; all of said appliances are to be subject to the approval of the In-
10 spector.

SEC. 13. No agent or owner 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
3 employed therein, any but experienced, sober and competent engineers, and 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 per-
6 son shall interfere or in any way intimidate the engineer in the discharge of his duties;
7 and the maximum number of persons to ascend out of or descend into any coal mine on one
8 cage shall be determined by the Inspector, but in no case shall such numbers exceed ten;
9 and no person shall ride upon or against any loaded cage or car in any shaft or slope except
10 the conductor in charge of the train.

SEC. 14. No boy under twelve years of age shall be permitted to work in any mine; and
2 parents and guardians of boys shall be required to furnish an affidavit as to the age of
3 their boys when there is any doubt in regard to their age, and in all cases of minors apply-
4 ing for work, the agent or owner of the mines shall see that the provisions of this section
5 are not 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, while in session, or the judge in vacation, may, on application of the
5 Inspector, by civil action in the name of the State, enjoin or restrain by a writ of injunc-
6 tion, the said agent or owner from working or operating such mines with more than ten per-
7 sons at once, except as provided in sections eight and nine, until it is made to conform with
8 the provisions of this act, and such remedies shall be cumulative and shall not take the
9 place of or affect any other matter complained of in such action ; and for any willful failure
10 or neglect to comply with the provisions of this law by any owner, lessee or operator of any
11 coal mine or opening whereby any one is injured, a right of action shall accrue to the party
12 so injured for any damage he may have sustained thereby ; and in case of loss of life by
13 reason of such neglect or failure aforesaid, a right of action shall accrue to the widow, if
14 living, and if not living, to the children or to the parents of the person whose life has been
15 lost, for like recovery of damages for the injury they shall have sustained.

SEC. 16. Any miner, workman or other person who shall knowingly injure or interfere
2 with any air course or brattice, or obstruct, or throw open any doors, or disturb any part of
3 the machinery, or disobey any order given in carrying out the provisions of this act, or ride
4 upon a loaded car or wagon in a shaft or slope except as provided in section twelve, or do
5 any act whereby the lives and health of the persons therein, or the security of the mines
6 and machinery is endangered ; or if any miner or person employed in any mine governed
7 by the provisions of this act, shall neglect or refuse to securely prop or support the roof and
8 entries under his control, every such person shall be deemed guilty of a misdemeanor and
9 and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars,
10 or imprisonment in the county jail not exceeding thirty days.

SEC. 17. Whenever written charges of gross neglect of duty or malfeasance in office
2 against any inspector shall be made and filed with the Governor and approved by him,
3 signed by one or more miners or by one or more operators of mines, together with a bond in
4 the sum of five hundred dollars, payable to the State and signed by two or more freehold-
5 ers, and conditioned upon the payment of all costs and expenses arising from the investiga-
6 tion of such charges, it shall be the duty of the Governor to convene a board of examiners
7 to consist of two practical miners, one mining engineer and two operators at such time and
8 place as he may deem best, giving ten days' notice to the inspector against whom charges
9 may be made, and also the person whose name appears first in the charges and said board
10 when so convened, and having been first duly sworn truly to try and decide the charges
11 made, shall summon any witness desired by either party and examine them on oath, which
12 may be administered by any member of the board and depositions may be read on such ex-
13 amination as in other cases. They shall report the result of their investigations to the Gov-
14 ernor, and if their report shows that said inspector has grossly neglected his duties, or is
15 incompetent or has been guilty of malfeasance in office, it shall be the duty of the Governor
16 forthwith to remove said inspector, and to appoint a successor as is provided for in section

17 one of this act, and said board shall award the costs and expenses of such investigation
18 against the losing party and against his bondsmen.

SEC. 18. In all coal mines in this State the miners employed and working therein shall at
2 proper times have right of access and examination of all scales, machinery or apparatus
3 used in or about said mine for the purpose of testing the accuracy and correctness of all
4 such scales, machinery or apparatus, and to determine the quantity of coal mined. And
5 such miners may designate or appoint a competent person to act for them, who shall at all
6 proper times have full right of access and examination of such scales, machinery and appa-
7 ratus, and to see all weights and measures of coal mined, and the accounts kept of the
8 same, provided not more than one person on behalf of the miners collectively shall have
9 such right of access, examination, and inspection of scales, weights and measures, and ac-
10 counts, at the same time, and that such person shall make no unnecessary interference with
11 the use of such scales, machinery or apparatus.

SEC. 19. The owner, agent or operator of any coal mine shall keep a sufficient supply of
2 timber to be used as props, so that the workmen may at all times be able to properly secure
3 the workings from caving, and it shall be the duty of the owner, agent or operator to send
4 such props in to the working places of the miners when required.

SEC. 20. Any person willfully neglecting or refusing to comply with the provisions of this
2 act when notified by the Mine Inspector to comply with such provisions, shall be deemed
3 guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not ex-
4 ceeding five hundred dollars or imprisonment in the county jail not exceeding six months,
5 except when different penalties are herein provided.

SEC. 21. Chapter 21 of the acts of the Twentieth General Assembly is hereby repealed.

SEC. 22. This act being deemed of immediate importance, shall be in force on and after
2 its publication in the Iowa State Register and Des Moines Leader, newspapers published in
3 Des Moines, Iowa.