

## CHAPTER 21.

## MINES AND MINING.

AN ACT to Regulate Mines and Mining, and to Repeal Chapter 202, S. F. 28. of the Acts of the Eighteenth General Assembly.

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

SECTION 1. That there shall be appointed by the governor, with the advice and consent of the senate, one state mine inspector, who shall hold his office for two years; subject, however, to be removed by the governor for neglect of duty or malfeasance in office. Said term of office shall commence on the 1st day of April of each even numbered year. Said inspector shall have a theoretical and practical knowledge of the different systems of working and ventilating coal mines, and of the nature and properties of the noxious and poisonous gases of mines, and of mining engineering; and said inspector, before entering upon the discharge of his duties, shall take an oath or affirmation to discharge the same faithfully and impartially, which oath or affirmation shall be indorsed upon his commission and his commission so indorsed shall be forthwith recorded in the office of the secretary of state, and such inspector shall give bonds in the sum of two thousand dollars (\$2,000), with sureties to the approval of the governor, conditioned for the faithful discharge of his duty.

Inspector's appointment and term.

Same: Qualifications.

Same: Oath.

Same: Bond.

SEC. 2. Said inspector shall give his whole time and attention to the duties of his office, and shall examine all the mines in the state as often as his duties will permit, to see that the provisions of this act are obeyed; and it shall be lawful for such inspector to enter, inspect and examine any mine in this state, and the works and machinery belonging thereto at all reasonable times by night or by day, but so as not to unnecessarily obstruct or impede the working of the mines; and to make inquiry and examination into the state and condition of the mine as to ventilation and general security as required by the provisions of this act. And the owners and agents of such mines are hereby required to furnish the means necessary for such duty and inspection, of which inspection the inspector shall make a record noting the time and all the material circumstances; and it shall be the duty of the person having charge of any mine whenever any loss of life shall occur by accident connected with the workings of such mine, or by explosion, to give notice forthwith by mail or otherwise to the inspector of mines, and to the coroner of the county in which such mine is situated, and the coroner shall hold an inquest on the body of the person or persons whose death has been caused and inquire carefully into the cause thereof, and shall return a copy of the

Same: duties.

Mine owners' duty.

Record of inspection.

Fatalities.

verdict and all testimony to said inspector. No person having a personal interest in, or employed in the management of, or employed in any coal mine shall be qualified to serve on the jury impaneled on the inquest. And the owner or agent of all coal mines shall report to the inspector all accidents to miners, in and around the mines, giving cause of the same; such report to be made in writing, and within ten days from the time any such accidents occur.

Inspector's prohibition.

SEC. 3. Said inspector while in office shall not act as an agent or as a manager or mining engineer, or be interested in operating any mine, and he shall biennially, on or before the fifteenth day of August preceeding the regular session of the general assembly make a report to the governor of his proceedings, and the condition and operations of the mines in this state, enumerating all accidents in or about the same, and giving all such information as he may think useful and proper, and making such suggestions as he may deem important as to further legislation on the subject of mining.

Biennial report.

Salary.

SEC. 4. Said inspector shall receive a salary of seventeen hundred (\$1,700) dollars per annum, payable monthly, necessary stationery, and actual traveling expenses, not to exceed \$500 per annum; *provided*, that he shall file at the end of each quarter of his official year, with the auditor of state, a sworn statement of his actual traveling expenses incurred in the performance of his official duty for such quarter. He shall have and keep an office in the capitol at Des Moines in which shall be kept all records and correspondence, papers, apparatus and property pertaining to his duties, belonging to the state, and which shall be handed over to his successor in office.

Proviso.

Office in capitol.

Vacancy.

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

Instruments.

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

Maps of working of mines.

SEC. 7. The agent or owner of every coal mine shall make or cause to be made, an accurate map or plan of the working of such mine on a scale of not less than one hundred feet to the inch, showing the area mined or excavated. Said map or plan shall be kept at the office of such mine. The owner or agent shall on or before the first day of September of each year, cause to be made a statement and plan of the progress of the workings of such mine up to said date, which statement and plan shall be marked on the map or plan herein required to be made. In case of refusal on the part of said owner or agent for two months after the time designated to make the map or plan, or addition thereto, the inspector is authorized to cause an accurate

map or plan of the whole of said mine to be made at the expense of the owner thereof, the cost of which shall be recoverable against the owner in the name of the person or persons making said map or plan. And the owner or agent of all coal mines hereafter wrought out and abandoned, shall deliver a correct map of said mine to the inspector, to be filed in his office.

SEC. 8. It shall be unlawful for the owner or agent of any coal mine worked by a shaft, to employ or permit any person to work therein unless there are to every seam of coal worked in such mine, at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth, by which shafts or outlets distinct means of ingress and egress are always available to the persons employed in the mine, but in no case shall a furnace shaft be used as an escape shaft; and if the mine is a slope or drift opening, the escape shall be separated from the other openings by not less than fifty feet of natural strata; and shall be provided with safe and available traveling ways, and the traveling ways to the escapes in all coal mines shall be kept free from water and falls of roof; and all escape shafts shall be fitted with safe and convenient stairs at an angle of not more than sixty degrees descent, and with landings at easy and convenient distances, so as to furnish easy escape from such mine, and all air shafts used as escapes where fans are employed for ventilation, shall be provided with suitable appliances for hoisting the underground workmen; said appliances to be always kept at the mine ready for immediate use; and in no case shall any combustible material be allowed between any escape shaft and hoisting shaft, except such as is absolutely necessary for operation of the mine; *provided*, that where a furnace shaft is large enough to admit of being divided into an escape shaft and a furnace shaft, there may be a partition placed in said shaft, properly constructed so as to exclude the heated air and smoke from the side of the shaft used as an escape shaft, such partition to be built of incombustible material for a distance of not less than fifteen feet up from the bottom thereof; and *provided*, that where two or more mines are connected underground, each owner may make joint provisions with the other owner for the use of the other's hoisting shaft or slope as an escape, and in that event the owners thereof shall be deemed to have complied with the requirements of this section. And *provided further*, that in any case where the escape shaft is now situated less than one hundred feet from the hoisting shaft there may be provided a properly constructed underground traveling way from the top of the escape shaft, so as to furnish the proper protection from fire, for a distance of one hundred feet from the hoisting shaft; and in that event the owner or agent of any such mine shall be deemed to have complied with the requirements of this section; and *provided further*, that this act shall not apply to mines operated by slopes or drift openings where not more than five persons are employed therein.

SEC. 9. In all mines there shall be allowed one year to make

Outlets or escapes.

Proviso.

Partition in furnace shaft.

Proviso.

Mines connected.

Proviso.

Escape shafts already constructed.

Proviso.

Small mines.

Time allowed  
for making  
outlets.

outlets as provided in section eight when such mine is under two hundred feet in depth, and two years when such mine is over two hundred feet in depth; but not more than twenty men shall be employed in such mine at any one time until the provisions of section eight are complied with, and after the expiration of the period above mentioned should said mines not have the outlets aforesaid, they shall not be operated until made to conform to the provisions of section eight.

Ventilation.

SEC. 10. The owner or agent of every coal mine, whether it be operated by shaft, slope, or drift, shall provide and maintain for every such mine an amount of ventilation of not less than one hundred cubic feet of air per minute for each person employed in such mine, and not less than five hundred cubic feet of air per minute for each mule or horse employed in the same, which shall be distributed and circulated throughout the mine in such manner as to dilute, render harmless, and expel the poisonous and noxious gases from each and every working place in the mine. And all mines governed by the provisions of this act shall be provided with artificial means for producing ventilation, such as exhaust or forcing fans, furnaces, or exhaust steam, or other contrivances of such capacity and power as to produce and maintain an abundant supply of air for all the requirements of the persons employed in the mine; but in case a furnace is used for ventilating purposes it shall be built in such manner as to prevent the communication of fire to any part of the works by lining the upcast with incombustible material for a sufficient distance up from said furnace to ensure safety.

Safety appli-  
ances.

SEC. 11. The owner or agent of every coal mine operated by a shaft or slope, in all cases where the human voice cannot be distinctly heard, shall forthwith provide and maintain a metal tube, or other suitable means for communication from the top to the bottom of said shaft or slope, suitably calculated for the free passage of sound therein, so that communication can be held between persons at the bottom and top of the shaft or slope. And there shall be provided a safety catch of approved pattern and a sufficient cover overhead on all carriages used for lowering and hoisting persons, and on the top of every shaft an approved safety gate, and also approved safety spring on the top of every slope, and an adequate brake shall be attached to every drum or machine used for raising or lowering persons in all shafts or slopes, and a trail shall be attached to every train used on a slope; all of said appliances to be subject to the approval of the inspector.

Hoisting  
engines:  
operation.

SEC. 12. No owner or agent of any coal mine operated by shaft or slope shall knowingly place in charge of any engine used for lowering into or hoisting out of such mine persons employed therein, any but experienced, competent and sober engineers, and no engineer in charge of such engine shall allow any person except such as may be deputed for that purpose by the owner or agent, to interfere with it, or any part of the machinery; and no person shall interfere or in any way intimidate the

engineer in the discharge of his duties; and the maximum number of persons to ascend out of or descend into any coal mine on one cage shall be determined by the inspector, but in no case shall such number exceed ten, and no person shall ride upon or against any loaded cage or car in any shaft or slope except the conductor in charge of the train.

SEC. 13. No boy under twelve years of age shall be permitted to work in any mine; and parents or guardians of boys shall be required to furnish an affidavit as to the ages of their boys when there is any doubt in regard to their age and in all cases of minors applying for work the agent or owner of the mines shall see that the provisions of this section is [are] not violated. Boys.

SEC. 14. In case any coal mine does not, in its appliances for the safety of the persons working therein, conform to the provisions of this act, or the owner or agent disregards the requirements of this act for twenty days after being notified by the inspector, any court of competent jurisdiction, while in session or the judges in vacation, may, on application of the inspector, by civil action in the name of the state, enjoin or restrain by writ of injunction, the said agent or owner from working or operating such mines with more than ten persons at once, except as provided in sections eight and nine, until it is made to conform with the provisions of this act, and such remedies shall be cumulative, and shall not take the place of, or affect any other proceedings against such owner or agent authorized by law, for the matter complained of in such action; and for any willful failure or neglect to comply with the provisions of this law by any owner, lessee, or operator of any coal mine or opening whereby any one is injured, a right of action shall accrue to the party so injured for any damage he may have sustained thereby; and in case of loss of life by reason of such willful neglect or failure aforesaid, a right of action shall accrue to the widow, if living, and if not living, to the children of the person whose life shall be lost, for like recovery of damages for the injury they shall have sustained. Penalties.  
Injunction.  
Damages.

SEC. 15. Any miner, workman or other person who shall knowingly injure or interfere with any air-course or brattice, or obstruct, or throw open doors, or disturb any part of the machinery, or disobey any order given in carrying out the provisions of this act, or ride upon a loaded car or wagon in a shaft or slope except as provided in section twelve, or do any act whereby the lives and health of the persons, or the security of the mines and machinery is endangered; or if any miner or person employed in any mine governed by the provisions of this act, shall neglect or refuse to securely prop or support the roof and entries under his control, or neglect or refuse to obey any order given by the superintendent in relation to the security of the mine in the part of the mine under his charge or control, every such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceed- Malicious mischief.  
Roof support.  
Disobedience of orders.

ing one hundred dollars, or imprisonment in the county jail not exceeding thirty days.

Trial of inspector for malfeasance in office, etc.

SEC. 16. Whenever written charges of gross neglect of duty or malfeasance in office against any inspector shall be made and filed with the governor, signed by not less than fifteen miners, or one or more operators of mines, together with a bond in the sum of five hundred dollars, payable to the state, and signed by two or more responsible freeholders, and conditioned for the payment of all costs and expenses arising from the investigation of such charges, it shall be the duty of the governor to convene a board of examiners, to consist of two practical miners, one mining engineer and two operators, at such time and place as he may deem best, giving ten days' notice to the inspector against whom charges may be made, and also the person whose name appears first in the charges, and said board when so convened, and having first been duly sworn or affirmed truly to try and decide the charges made, shall summon any witness desired by either party and examine them on oath or affirmation, which may be administered by any member of the board, and depositions may be read on such examination as in other cases, 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 has been guilty of malfeasance in office, it shall be the duty of the governor forthwith to remove said inspector and appoint a successor, and said board shall award the costs and expenses of such investigation against the inspector or person signing said bond.

Miners' right to examine weights.

SEC. 17. In all coal mines in this state the miners employed and working therein shall at all proper times have right of access and examination of all scales, machinery or apparatus used in or about said mine to determine the quantity of coal mined for the purpose of testing the accuracy and correctness of all such scales, machinery or apparatus, and such miners may designate or appoint a competent person to act for them, who shall at all proper times have full right of access and examination of such scales, machinery or apparatus, and seeing all weights and measures of coal mined, and the accounts kept of the same, provided not more than one person on behalf of the miners collectively shall have such right of access, examination and inspection of scales, weights, measures and accounts at the same time, and that such person shall make no unnecessary interference with the use of such scales, machinery or apparatus.

Supply of props.

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

Penalties.

SEC. 19. Any person willfully neglecting or refusing to comply with the provisions of this act when notified by the mine inspector to comply with such provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished

by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, except when different penalties are herein provided.

SEC. 20. Chapter 202 of the acts of the eighteenth general assembly is hereby repealed. Acts 18th G. A., Ch. 202, repealed.

SEC. 21. This act being deemed of immediate importance shall be in force on and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa. Publication.

Approved, March 18, 1884.

I hereby certify that the foregoing act was published in the Iowa State Register and Iowa State Leader, March 20, 1884.

J. A. T. HULL, Secretary of State.

## CHAPTER 22.

### AUTHORIZED INDEBTEDNESS OF RAILWAY COMPANIES.

AN ACT to Amend Section 1061, Title IX, Chapter 1, of the Code of S. F. 10. 1873.

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

SECTION 1. That section 1061, title ix, chapter 1, of the code of 1873, be amended by adding thereto the proviso, as follows:

*Provided*, That the provisions of this section shall not apply to the bonds or other railway securities to be hereafter issued or guaranteed by railway companies of this state, in aid of the location, construction and equipment of railways, to the amount of not exceeding sixteen thousand dollars per mile of single track, standard gauge, or eight thousand dollars per mile of single track, narrow gauge, lines of road for each mile of railway actually constructed and equipped. Addition to section.

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

Approved, March 20, 1884.

I hereby certify that the foregoing act was published in the Iowa State Register, March 28, and in the Iowa State Leader, April 2, 1884.

J. A. T. HULL, Secretary of State.