

## CHAPTER 197.

## MINES AND MINING.

Sub. for S. F. 6.

AN ACT to repeal section [1], chapter [one hundred six] [106], acts of the thirty-fourth general assembly, and enact a substitute therefor, relating to the appointment of mine inspectors and fixing their term of office.

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

**SECTION 1. Repeal—mine inspectors—appointment—term of office—vacancies—bond.** That section one, of chapter 106, acts of the thirty-fourth general assembly be and the same is hereby repealed and the following enacted as a substitute therefor:

“The governor shall appoint three (3), mine inspectors from those receiving certificates of competency from the board of examiners as by law provided, who shall hold their office for a term of six (6) years and until their successor shall be appointed and qualified, subject to removal by him for cause, their term to commence on the fourth day of July, 1913, and at six (6) year periods thereafter, the present incumbents shall continue in office until their successors are appointed and qualified. Any vacancies occurring shall be filled in the same manner as original appointments and the appointee to hold for the unexpired term only. Each inspector shall in no way be financially interested in or connected with any mining property, or directly or indirectly act as the agent, officer or representative of any person, firm or corporation, and shall devote his entire time and attention to the duties incumbent upon him as inspector of mines in the state of Iowa, and shall before entering upon the discharge of his duties give a bond in the sum of two thousand (\$2000.00) dollars and take an oath to be endorsed upon his bond, with sureties to be approved by the secretary of state, conditions in accordance with the tenor of the oath. The bond shall be conditioned to faithfully and impartially without fear or favor perform the duties incumbent upon him, which shall be filed with the oath and commission and recorded in the office of the secretary of state.”

Approved April 17 A. D. 1913.

## CHAPTER 198.

## MINES AND MINING.

S. F. 309.

AN ACT to provide the method of constructing and operating gypsum mines, for escape shafts and for the ventilation of such mines, to provide for the inspection of the same by the state mine inspector, to require operators to report fatal accidents and to provide penalties for violation of this act. [Additional to chapter nine (9) of title twelve (XII) of the code relating to mines and mining.]

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

**SECTION 1. Gypsum mines—two distinct openings—escape and air shafts.** The owner or person in charge of any gypsum mine operated by shaft or one having a slope or drift opening in which five or more men are employed shall construct and maintain at least two distinct openings, which in shaft mines hereafter constructed shall be separated by not less than three hundred (300) feet and in slope or drift mines by not less than two hundred (200) feet in

breadth through which in every shaft or slope mine, ingress and egress at all times shall be unobstructed and free from water. All escape shafts hereafter constructed shall have stairs at an angle of not more than sixty (60) degrees in descent, with a stairway not less than two (2) feet in width, kept in safe condition, with proper landings at easy and convenient distances apart and adequate means of escape from mines now in operation. He shall provide all air shafts with fans for ventilating purposes, and no combustible material shall be allowed to be or remain between any escape shaft and hoisting shaft nor shall any building hereafter erected be located within two-hundred (200) feet of an escape shaft without written permission from the state inspector.

Where two or more mines are connected underground the several owners may, by agreement, use the hoisting shaft or slope of one mine as an escape for the other. No escape shaft shall be located or constructed without first giving notice to, and obtaining the approval in writing of the state mine inspector.

**SEC. 2. One year allowed to make required changes.** In all mines there shall be allowed one year to make outlets as provided for in section one hereof but no more than twenty men shall be employed in such mine at one time until the provisions of section one are complied with, and after the expiration of the period above mentioned, should the mine not have the outlets aforesaid, it shall not be operated until made to conform to the provisions of section one.

**SEC. 3. Ventilation—insufficient air—mine inspection—notice.** The owner or person in charge of any mine shall provide and maintain, whether the mine be operated by shaft, slope or drift, an amount of ventilation of not less than one hundred (100) cubic feet of air per minute for each person, nor less than five hundred cubic feet of air per minute for each mule or horse employed therein; which shall be so circulated throughout the mines as to dilute, render harmless and expel all noxious and poisonous gases in all working parts of the same. But in no case shall the air current be a greater distance than sixty (60) feet from the working face, except when making cross cuts in entries for air-courses; then, in that case, the distance shall not be greater than seventy feet, provided, however, that the state mine inspector may, in writing, grant permission to go beyond the limit herein mentioned, when the conditions are such in a special case as to require it. When the mine inspector shall find the air insufficient, or men working under unsafe conditions, he shall at once give notice to the mine owner or his agent or person in charge, and, upon the failure to make the necessary changes within a reasonable time, to be fixed by him, he may order the men out, to remain out until the mine is put in proper condition.

**SEC. 4. Speaking tubes—adequate brakes—competent engineers—timber for props.** The owner or person in charge of any mine shall in all mines operated by shaft or slope, where the voice cannot be distinctly heard, provide and maintain a metal speaking tube or other means of communication, kept in complete order from the bottom or interior to the top or exterior, also a sufficient safety catch and proper cover overhead on all cages, and an adequate brake to all drums or other devices used for lowering or hoisting persons, an approved safety gate at the top of each shaft, springs at the top of each slope, and a trail attached to each train used therein. He shall not knowingly place in charge of any engine used in or about the operation of the mines any but experienced, competent and sober engineers, who shall have the same qualifications as are required of hoisting engineers at coal mines, and who shall not allow any one but those designated for that purpose to handle or in any way interfere with it or any part of the machinery, nor shall more than ten per-

sions be allowed to descend or ascend in any cage at one time, or such less number as may be fixed by the state mine inspector, nor any one but the conductor on a loaded car or cage. He shall at all times keep a sufficient supply of timber to be used as props, convenient and ready for use, and shall send such props down when required and deliver them to the places where needed.

**SEC. 5. Failure to comply—injunction—culpable negligence.** In addition to any and all other remedies, if any owner or person in charge of any mine shall fail to provide the requirements herein specified, or such owner or agent neglect for twenty days after notice given in writing by the state mine inspector of such failure to remedy the same, such inspector may apply to the district court or any judge thereof in an action brought in the name of the state for a writ of injunction to restrain the working of the mine with more persons at the same time than are necessary to make the improvements needed, save as may be required to prevent waste, until such appliances have been provided, and in case an injury happens to those engaged in the work because of such failure, the same shall be held culpable negligence on the part of the operator of the mine.

**SEC. 6. State mine inspector—duties.** It is hereby made the duty of the state mine inspector to enforce the provisions of this act. He shall have the right to enter any gypsum mine under the provisions of this act, at any time, but shall not unnecessarily interfere with the working of any mine, nor shall more than six months intervene between examinations of any such mine.

**SEC. 7. Fatal accidents reported to coroner.** Every person in charge of a mine under the provisions of this act shall, within twenty-four hours after a fatal accident happens to any employe in or around the mine, report the same to the coroner of the county in which the mine is operated and to the state mine inspector.

**SEC. 8. Map of mines—copies furnished mine inspector—surveys ordered—when.** The owner, operator, lessee or person in charge of any gypsum mine shall make or cause to be made an accurate map or plan of such mine, drawn to a scale not more than two hundred (200) feet to the inch, on which shall appear the name of the state, county and township in which the mine is located, the designation of the mine, the name of the company or owner, operator, lessee or person in charge, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point and the scale to which the drawing is made. Every such map or plan shall correctly show the surface boundary lines of the rights pertaining to each mine and all sections or quarter section lines or corners within the same; the lines of town lots or streets; the tracks or side tracks of all railroads, the location of all wagon roads, rivers, streams, ponds, reservations made of gypsum and mineral. For the underground workings said map shall show all shafts, slopes, tunnels or other opening to the surface or to the workings of a continuous mine; all excavations, entries, rooms and cross cuts; the location of the escape ways, and of the fan or furnace or other means of ventilation and the direction of air currents and the location of permanent pumps, hauling engines, engine plains, abandoned works, fire walls and standing water. A separate and similar map drawn to the same scale in all cases shall be made of each and every seam of gypsum operated in any mine in the state. A separate map shall also be made of the surface whenever the surface buildings, lines or objects are so numerous as to obscure the details of the mine workings if drawn upon the same sheet with them and in such case the surface map shall be drawn upon transparent cloth or paper so it can be laid upon the map of the underground workings and thus truly indicate the local relation of lines and objects on the surface to the excavation of the mine, together with

any other principal workings of the mines. Each map shall also show by profile drawing and measurement, the last one hundred fifty (150) feet approaching the boundary lines, showing the rise and dip of the seam. The original or true copies of all such maps shall be kept at the office of the mine and true copies thereof shall also be furnished the state mine inspector for the district in which said mine is located within thirty (30) days after the completion of the same. The maps so delivered to the inspector shall be the property of the state and shall remain in the custody of the said inspector during his term of office and be delivered to his successor in office. They shall be kept at the office of the inspector and be open to examination to all persons interested in the same. But such examination shall only be made in the presence of the inspector or his office assistant, and he shall not permit any copies of the same to be made without the written consent of the operator or the owner of the property, except as herein and otherwise provided. An accurate extension of the last preceding survey of every mine in active operation shall be made once in every twelve (12) months prior to July 1st of every year and the result of such survey with the date thereof shall be promptly and accurately entered upon the original map and a true, correct and accurate copy of said extended map shall be forwarded to the inspector of mines in the district in which said mine is located so as to show all changes in plan of new work in the mine, and all extension of the old workings to the most advanced face or boundary of said workings which have been made since the last preceding survey, and the parts of the mine abandoned or worked out after the last preceding survey shall be clearly indicated and shown by colorings, which copy must be delivered to the inspector of mines within thirty (30) days after the last survey is made. When any gypsum mine is worked out or is about to be abandoned or indefinitely closed, the owner, operator, lessee or person in charge of the same shall make or cause to be made a complete extended map of said mine and the result of the same shall be duly extended on all maps of the mine and copies thereof so as to show all excavations and the most advanced workings of the mine and their exact relation to the boundary of section lines on the surface, and deliver to the inspector a copy of the completed map. The state inspector of mines shall order a survey to be made of the workings of any mine and the result to be extended on the maps of the same and the copies thereof whenever in his judgment the safety of the workmen, the support of the surface, the conservation of the property or the safety of the adjoining mine requires it; and if not made by the owner, operator, lessee or person in charge when ordered by the inspector it shall be made or cause to be made by the inspector and paid for by the state and the amount collected from the owner, operator, lessee or person in charge as other debts are collected.

**SEC. 9. Failure to comply—penalty.** Any owner or person in charge of any gypsum mine who shall fail to comply with the provisions of this act, or either of them, or shall hinder or obstruct the carrying out of any of the requirements of this act shall be punished by imprisonment in the county jail not exceeding sixty (60) days or by a fine not exceeding five hundred dollars (\$500.) or if any miner, workman or other person 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 whereby the lives and health of the persons, or the

security of the mines and machinery is endangered, or shall neglect or refuse to securely prop any entries under his control, or refuse to obey any order given by the superintendent in relation to the safety of the mine or that part of the mine under his charge or control he shall be punished by a fine not exceeding one hundred dollars. (\$100) or imprisonment in that [the] county jail not exceeding thirty days.

Approved April 11 A. D. 1913.

## CHAPTER 199.

### COLD STORAGE AND REFRIGERATING WAREHOUSES.

#### II. F. 49.

AN ACT relating to cold storage and refrigerating warehouses, the disposition or sale of the food kept or preserved therein, and defining the duties of the state dairy and food commissioner in relation thereto. [Additional to chapter thirteen (13) of title twelve (XII) of the supplement to the code, 1907, relating to the powers and duties of the dairy and food commissioner.]

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

**SECTION 1. Terms defined.** The term "cold storage" as used in this act shall be construed to mean a place artificially cooled to a temperature of 40 degrees F. or below, but shall not include such a place in a private home, hotel, or restaurant, or to refrigerator cars.

The term "cold stored" as used in this act shall be construed to mean the keeping of "articles of food" in "cold storage" for a period exceeding thirty days.

The term "articles of food" as used in this act shall be construed to mean and include fresh meat, and fresh meat products except in process of manufacture, fresh fruit, fish, game, poultry [,] eggs, butter, and other articles intended for human consumption.

**SEC. 2. Application—examination—dairy and food commissioner—license—fee.** Any person, firm or corporation desiring to operate a cold storage or refrigerating warehouse, shall make application in writing to the state dairy & [and] food commissioner for that purpose, stating the location of its plant or plants. On receipt of the application the state dairy & [and] food commissioner shall cause an examination to be made into the sanitary condition of said plant or plants, and if found to be in a sanitary condition and otherwise properly equipped for the business of cold storage, the state dairy & [and] food commissioner shall cause a license to be issued authorizing the applicant to operate a cold storage or refrigerating warehouse for and during the period of one year. The license shall be issued upon payment by the applicant of a license fee of twenty-five dollars (\$25.00) to the state dairy & [and] food commissioner, and all licenses shall expire December 31st following the issue thereof.

**SEC. 3. Unsanitary conditions—revocation.** In the event that any place or places, or any part thereof, covered by a license, under the provision of this act shall at any time be deemed by the state dairy & [and] food commissioner to be in an unsanitary condition, it shall be his duty to notify licensee of such condition and upon the failure of the licensee to put said specified place or places, or the specified part thereof, in a sanitary condition within a designated time it shall be the duty of the state dairy & [and] food commissioner to