

[Stone]

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 appointed by the governor, with the advice and consent of the senate, one mine inspector, who shall hold his office for four years, subject, however, to be removed by the governor, for neglect of duty, or malfeasance in office.

Said inspector shall have knowledge of chemistry, geology, and mineralogy, and a 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, particularly fire-damp, and mining engineering; and a practical miner at least five years; 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 endorsed upon his commission, and his commission, so endorsed, shall be forthwith recorded in the office of the secretary of state; and such inspector shall give bond in the sum of five thousand dollars, with sureties to the approval of 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, and shall examine all the mines in this state as often as his other 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 the 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 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 loss of life shall occur by accident connected with the working 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 upon 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 verdict, and all the testimony, to said inspector.

No person having a personal interest in, or employed in the management of the mine where a fatal accident occurs, shall be qualified to serve on the jury empaneled on the inquest.

SEC. 3. 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 he shall annually, on or before the first day of
3 January, make report to the governor of his proceedings, and the condition and operations of the
4 mines in this state, enumerating all accidents in or about the same, and giving all such informa-
5 tion as he may think useful and proper, and making such suggestions as he may deem important
6 as to further legislation on the subject of mining.

SEC. 4. Said inspector shall receive a salary of two thousand dollars per annum, to be paid in
2 quarterly installments; and he shall have and keep an office in the state house at Des Moines, in
3 which shall be carefully kept the maps and plans of all mines in this state, and also all records
4 and correspondence, papers and apparatus, and property pertaining to his duties belonging to the
5 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 resigna-
2 tion, removal by the governor, or otherwise, shall be filled by appointment by the governor, which
3 appointment shall be good until the close of the next session of the senate, unless the vacancy is
4 sooner filled, as in the first section provided.

SEC. 6. There shall be provided for said inspector all instruments and chemical tests necessary
2 for the discharge of his duties under this act, which shall be paid for on the certificate of the in-
3 spector, 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 accurate
2 map or plan of the working of such mine, on a scale of not less than one hundred feet to the inch,
3 showing the area mined or excavated, and the location and connection with such excavation of the
4 mine of the lines of all adjoining lands, and the name or names of each owner or owners, so far as
5 known, marked on each tract, a true copy of which map the said owner or agent shall deposit
6 with the inspector within six months after the passage of this act, and another copy of which
7 shall be kept at the office of such mine. The owner or agent shall, on or before the first day of
8 September, 1878, and every four months thereafter, file with said inspector a statement and plan
9 of the progress of the workings of such mine up to said date, which statement and plan shall be
10 so prepared as to enable the inspector to mark the same on the original map or plan herein
11 required to be made. In case of refusal on the part of said owner or agent for two months after
12 the time designated to make and file the map or plan, or the addition thereto, the inspector is
13 authorized to cause an accurate map or plan of the whole of said mine to be made at the expense
14 of the owner thereof, the cost of which shall be recoverable against the owner in the name of the
15 person or persons making said map or plan, which shall be made in duplicate, one copy being
16 delivered to the inspector and the other left in the office of the mine; and he shall, on being paid
17 the proper cost thereof, on demand of any person interested in the working of such mine, or
18 owner of adjoining lands, furnish an accurate copy of any map or plan of the workings of such
19 mines.

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SEC. 8. Six months from and after 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 any person to work therein, or
3 permit any person to work in such mine, unless there are to every seam of coal worked in such
4 mine at least two separate outlets, separated by natural strata of not less than one hundred feet in
5 breadth, by which shafts or outlets, distinct means of ingress and egress must be always available
6 to afford speedy escape from such mine in case of explosion, cavings or falling in of the main
7 shaft, but the aforesaid outlets must be free and altogether apart from the furnace or air shaft.

SEC. 9. All mines which are opened hereafter, shall be allowed twelve months to make said
2 outlets, as provided in section 8, but not more than twenty men shall be employed in such mines
3 at one time, until the provisions of section 8 is complied with, and after the expiration of the 12
4 months, should said mine not have the outlets aforesaid, they must reduce their number to ten
5 miners.

SEC. 10. The owner or agent of every coal mine, whether shaft, slope or drift, shall provide
2 and maintain, within six months after the passage of this act, for every such mine, an amount of
3 ventilation of not less than one hundred cubic feet per minute per person employed in such mine,
4 and as much more as the inspector may direct, which shall be circulated to the face of each and
5 every working place throughout the mine; and all mines generating fire-damp shall be kept free
6 of standing gas; and in all mines where fire damp is generated, every working place shall be care-
7 fully examined every morning with a safety lamp by a competent person before any of the work-
8 men are allowed to enter; and the air shall be so divided as to give to every thirty miners a supply
9 of fresh air, so as not to use the same volume 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 where
2 the human voice cannot be distinctly heard, shall forthwith provide and maintain a metal tube
3 from the top to the bottom of such shaft or slope, suitably calculated for the free passage of
4 sound therein, so that conversations may be held between persons at the bottom and top of the
5 shaft or slope, and there shall also be provided an approved safety-catch, and a sufficient cover
6 over head, on all carriages used for lowering and hoisting persons, and in the top of every shaft
7 an approved safety-gate, and also an approved safety-spring on the top of every slope, and an
8 adequate brake shall be attached to every drum or machine used for lowering or raising persons
9 in all shafts or slopes.

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

6 date the engineer in the discharge of his duties ; and in no case shall more than eight men ride on
7 any cage or car at one time, and no person shall ride upon a loaded cage or car, in any shaft or
8 slope.

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

SEC. 14. No boy under twelve years of age shall be allowed to work in any mine, nor any
2 minor between the ages of twelve and sixteen years, unless he can read and write ; and in all cases
3 of minors applying for work it shall be the duty of the agent of such mine to see that the provi-
4 sions of this section are not violated.

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

SEC. 16. Any miner, workman, or other person who shall knowingly injure or interfere with
2 any safety-lamp, air-course, or brattice, or obstruct or throw open doors, or disturb any part of
3 the 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 per-
5 sons or the security of the mines and machinery is endangered, or if any miner or person em-
6 ployed in any mine governed by the provisions of this act, shall neglect or refuse to securely prop
7 or support the roof and entries under his control, or neglect or refuse to obey any order given by
8 the superintendent, in relation to the security of the mine, in the part of the mine under his
9 charge or control, every such person shall be deemed guilty of a misdemeanor, and upon convic-
10 tion thereof, shall be punished by a fine not exceeding fifty dollars, or imprisoned in the county
11 jail not exceeding thirty days, or both, at the discretion of the court ; *provided*, however, that
12 section 20 of this act is complied with.

SEC. 17. It shall not be lawful for any coal operator, manager or agent to exact more coal
2 from any miner in his employ than eighty pounds for a bushel or two thousand pounds for a ton,

3 and all coal, of whatever grade, that shall pass over a screen not more than four feet wide and
 4 seven feet long, and the bars of said screen or screens not to be more than three-fourths of an inch
 5 apart, shall be paid for in the same manner as lump coal, and any operator, manager or agent of
 6 any mine violating the provisions of this section shall be fined a sum not less than five hundred
 7 dollars and not more than one thousand dollars, or imprisonment in the county jail not more than
 8 one year.

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

SEC. 19. In all coal mines in this state, the miners employed and working therein, the owners
 2 of the land, or other persons interested in the rental or royalty of any such mine, shall, at all
 3 proper times, have full right of access, and examination of all scales, machinery or apparatus
 4 used in or about said mine to determine the quantity of coal mined, for the purpose of testing the
 5 accuracy and correction of all such scales, machinery or apparatus ; and such miners, land owners
 6 or other persons may designate or appoint a competent person to act for them, who shall, at all
 7 proper times, have full right of access and examination of such scales, machinery or apparatus,
 8 and seeing all weights and measures of coal mined, and the accounts kept of the same : *Provided,*

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9 not more than one person on behalf of the miners collectively, or one person on behalf of the land
10 owners or other persons interested in the rental or royalty jointly, shall have such right of access,
11 examination and inspection of scales, weights, measures and accounts at the same time, and that
12 such persons shall make no unnecessary interference with the use of such scales, machinery or
13 apparatus.

SEC. 20. All coal mine operators or agents shall provide props and timbers of suitable lengths
2 and dimensions, to enable the miner to properly timber and secure his place of working, the same
3 to be provided and furnished at the miner's place of working, in such quantities as he may want.

SEC. 21. The provisions of this act shall not apply to or affect any coal mines in which not
2 more than ten miners are employed at the same time: *Provided*, That upon the application of
3 the proprietors of, or miners in any such mine, the inspector shall make, or cause to be made, an
4 inspection of such mine, and direct and enforce any regulations in accordance with the provisions
5 of this act that he may deem necessary for the safety of the health and lives of the miners.

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

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

Mr. Tyson, from the Committee on Mines and Mining, submitted the following report :

MR. SPEAKER:—Your Committee on Mines and Mining, to whom was referred House File No. 279, 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 it be amended by the adoption of the accompanying substitute, and that as so amended the bill do pass.

TYSON, *Chairman.*

SUBSTITUTE FOR HOUSE FILE NO. 279.]

A BILL

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SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there shall be appointed by the governor, with the advice and consent of the senate, one 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 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, particularly fire-damp, and 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 endorsed upon his commission, and his commission, so endorsed, shall be forthwith recorded in the office of the secretary of state ; and such inspector shall give bond in the sum of five thousand dollars, with sureties to the approval of 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, and shall examine all the mines in this state as often as his other 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 the 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 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

8 required to furnish the means necessary for such duty and inspection, of which inspection the in-
 9 spector shall make a record, noting the time and all the material circumstances; and it shall be the
 10 duty of the person having charge of any mine, whenever loss of life shall occur by accident con-
 11 nected with the working of such mine, or by explosion, to give notice forthwith, by mail, or oth-
 12 erwise, to the inspector of mines, and to the coroner of the county in which such mine is situated;
 13 and the coroner shall hold an inquest on the body of the person or persons whose death has been
 14 caused, and inquire carefully into the cause thereof, and shall return a copy of the verdict, and
 15 all the testimony, to said inspector.

16 No person having a personal interest in, or employed in the management of the mine where a
 17 fatal accident occurs, shall be qualified to serve on the jury empaneled on the inquest.

SEC. 3. 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 he shall annually, on or before the first day
 3 of January, make report to the governor of his proceedings, and the condition and operations of
 4 the mines in this state, enumerating all accidents in or about the same, and giving all such infor-
 5 mation as he may think useful and proper, and making such suggestions as he may deem import-
 6 ant as to further legislation on the subject of mining.

SEC. 4. Said inspector shall receive a salary of twenty-five 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 carefully 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 resigna-
 2 tion, removal by the governor, or otherwise, shall be filled by appointment by the governor, which
 3 appointment shall be good until the close of the next session of the senate, unless the vacancy is
 4 sooner filled, as in the first section provided.

SEC. 6. There shall be provided for said inspector all instruments and chemical tests necessary
 2 for the discharge of his duties under this act, which shall be paid for on the certificate of the in-
 3 spector, 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 accurate
 2 map or plan of the working of such mine, on a scale of not less than one hundred feet to the inch,
 3 showing the area mined or excavated, and the location and connection with such excavation of the
 4 mine of the line of all adjoining lands, and the name or names of each owner or owners, so far
 5 as known, marked on each tract, a true copy of which map the said owner or agent shall deposit
 6 with the inspector within six months after the passage of this act, and another copy of which
 7 shall be kept at the office of such mine. The owner or agent shall, on or before the first day of
 8 September, 1878, and annually thereafter, file with said inspector a statement and plan of the

9 progress of the workings of such mine up to said date, which statement and plan shall be so
10 prepared as to enable the inspector to mark the same on the original map or plan herein required
11 to be made. In case of refusal on the part of said owner or agent for two months after the
12 time designated to make and file the map or plan, or the addition thereto, the inspector is
13 authorized to cause an accurate map or plan of the whole of said mine to be made at the expense
14 of the owner thereof, the cost of which shall be recoverable against the owner in the name of the
15 person or persons making said map or plan, which shall be made in duplicate, one copy being
16 delivered to the inspector, and the other left in the office of the mine ; and he shall, on being paid
17 the proper cost thereof, on demand of any person interested in the working of such mine, or
18 owner of adjoining lands, furnish an accurate copy of any map or plan of the workings of such
19 mines.

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

SEC. 9. All mines which are opened hereafter, shall be allowed twelve months to make said
2 outlets, as provided in section 8 ; but not more than twenty men shall be employed in such mines
3 at one time, until the provisions of section 8 are complied with, and after the expiration of the 12
4 months, should said mine not have the outlets aforesaid, they must reduce their number to ten
5 miners.

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

3 from the top to the bottom of such shaft or slope, suitably calculated for the free passage of
 4 sound therein, so that conversation may be held between persons at the bottom and top of the
 5 shaft or slope, and there shall also be provided a sufficient cover over head, on all carriages used
 6 for lowering and hoisting persons, and in the top of every shaft an approved safety gate, and also
 7 an approved safety spring on the top of every slope, and an adequate brake shall be attached to
 8 every drum or machine used for lowering or raising persons in all shafts or slopes.

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

SEC. 13. All the safety lamps used for examining coal mines, or which may be used in work-
 2 ing any mine, shall be the property of the owner of the mine, and shall be under the charge of the
 3 agent of such mine; and in all mines the doors used in assisting or directing the ventilation of the
 4 mine shall be so hung and adjusted that they will shut of their own accord, and cannot stand
 5 open; and in all mines the mining boss shall keep a careful watch over the ventilating apparatus
 6 and the air-ways, and he shall measure the ventilation at least once a week at the inlet and outlet,
 7 and also at or near the face of all the entries; and all such measurements shall be reported once a
 8 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 work-
 2 ing therein, conform to the provisions of this act, or the owner or agent disregards the require-
 3 ments of this act, for twenty days after being notified by the inspector, any court of competent
 4 jurisdiction, in session or vacation, may, on application of the inspector, by civil action in the
 5 name of the state, enjoin or restrain the said owner or agent from working or operating such mine
 6 with more than ten miners at once, until it is made to conform to the provisions of this act, and
 7 such remedy shall be cumulative, and shall not take the place of or effect any other proceedings
 8 against such owner or agent authorized by law for the matter complained of in such action.

SEC. 16. Any miner, workman, or other person who shall knowingly injure or interfere with
 2 any safety-lamp, air-course, or brattice, or obstruct or throw open doors, or disturb any part of
 3 the 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 per-
 5 sons or the security of the mines and machinery is endangered, or if any miner or person em-
 6 ployed in any mine governed by the provisions of this act, shall neglect or refuse to securely prop
 7 or support the roof and entries under his control, or neglect or refuse to obey any order given by
 8 the superintendent in relation to the security of the mine, in the part of the mine under his
 9 charge or control, every such person shall be deemed guilty of a misdemeanor, and upon convic-
 10 tion thereof, shall be punished by a fine not exceeding fifty dollars, or imprisoned in the county
 11 jail not exceeding thirty days, or both, at the discretion of the court; *provided*, however, that
 12 section 20 of this act is complied with.

SEC. 17. It shall not be lawful for any coal operator, manager or agent to exact more coal
 2 from any miner in his employ than eighty pounds for a bushel or two thousand pounds for a ton,
 3 and all coal, of whatever grade, that shall pass over a screen not more than four feet wide and
 4 nine feet long, and the bars of said screen or screens not to be more than one inch apart, shall be
 5 paid for in the same manner as lump coal, and any operator, manager or agent of any mine vio-
 6 lating the provisions of this section shall be fined a sum not less than five hundred dollars and
 7 not more than one thousand dollars, or imprisonment in the county jail not more than one year.

SEC. 18. Whenever written charges or gross neglect of duty or malfeasance in office against
 2 any inspector shall be made and filed with the governor, signed by not less than fifteen miners or
 3 one or more operators of mines; together with a bond in the sum of five hundred dollars, payable
 4 to the state, and signed by two or more responsible freeholders, and conditioned for the payment
 5 of all costs and expenses arising from the investigation of such charges, it shall be the duty of
 6 the governor to convene a board of examiners, to consist of two practical miners, one chemist, one
 7 mining engineer, and one operator, at such time and place as he may deem best. giving ten days
 8 notice to the inspector against whom the charges may be made, and also to the person whose name
 9 appears first in the charges; and said board, when so convened, and having first been duly sworn
 10 or affirmed truly to try and decide the charges made, shall summons any witness desired by
 11 either party, and examine them on oath or affirmation, which may be administered by any member
 12 of the board, and despositions may be read on such examination as in other cases; and the board
 13 shall examine fully into the truth of such charges, and report the result of their investigation to
 14 the governor; 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 forth-
 16 with to remove such inspector and appoint a successor; and said board shall award the costs and
 17 expenses of such investigation against the inspector or the person signing said bond, according
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 20 trial, and in traveling from and to their homes; and the attorney general shall forthwith proceed

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21 to collect such costs and expenses, and pay the same into the state treasury, the said costs and ex-
22 penses being in the first instance paid out of the state treasury on the certificate of the president
23 of the board.

SEC. 19. In all coal mines in this state, the miners employed and working therein, the owners
2 of the land, or other persons interested in the rental or royalty of any such mine, shall, at all
3 proper times, have full right of access, and examination of all scales, machinery or apparatus
4 used in or about said mine to determine the quantity of coal mined, for the purpose of testing the
5 accuracy and correction of all such scales, machinery or apparatus : and such miners, land owners
6 or other persons may designate or appoint a competent person to act for them, who shall, at all
7 proper times, have full right of access and examination of such scales, machinery or apparatus,
8 and seeing all weights and measures of coal mined, and the accounts kept of the same ; *Provided*,
9 not more than one person on behalf of the miners collectively, or one person on behalf of the land
10 owners or other persons interested in the rental or royalty jointly, shall have such right of access,
11 examination and inspection of scales, weights, measures and accounts at the same time, and that
12 such persons shall make no unnecessary interference with the use of such scales, machinery or
13 apparatus.

SEC. 20. All coal mine operators or agents shall provide props and timbers of suitable lengths
2 and dimensions, to enable the miner to properly timber and secure his place of working, the same
3 to be provided and furnished at the miner's place of working, in such quantities as he may want ;
4 but it shall be the duty of the miner to give at least one days notice of the timber required.

SEC. 21. The provisions of this act shall not apply to or affect any coal mines in which not
2 more than ten miners are employed at the same time : *Provided*, That upon the application of
3 the proprietors of, or miners in any such mine, the inspector shall make, or cause to be made, an
4 inspection of such mine, and direct and enforce any regulations in accordance with the provisions
5 of this act that he may deem necessary for the safety of the health and lives of the miners.

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

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