

## A BILL

FOR AN ACT TO REPEAL CHAPTER 21 ACTS OF THE TWENTIETH GENERAL ASSEMBLY, CHAPTER 140 ACTS OF THE TWENTY-FIRST GENERAL ASSEMBLY, CHAPTER 56 ACTS OF THE TWENTY-SECOND GENERAL ASSEMBLY, CHAPTER 52 ACTS OF THE TWENTY-SECOND GENERAL ASSEMBLY, CHAPTER 53 ACTS OF THE TWENTY-SECOND GENERAL ASSEMBLY, CHAPTER 43 ACTS OF THE TWENTY-FIRST GENERAL ASSEMBLY, CHAPTER 46 ACTS OF THE TWENTY-THIRD GENERAL ASSEMBLY, AND SECTION 2 OF CHAPTER 54 ACTS OF THE TWENTY-SECOND GENERAL ASSEMBLY, AND TO ENACT THE FOLLOWING IN LIEU THEREOF, RELATING TO THE MANAGEMENT OF MINES.

**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  
2 of the senate, four inspectors of mines, who shall hold their office for two years; the said  
3 inspectors shall be subject, however, to be removed by the governor for neglect of duty or  
4 malfeasance in office. Said term of office shall commence on the first day of April of each  
5 even numbered year. Said inspectors shall have a theoretical and practical knowledge of  
6 the different systems of working and ventilating coal mines and of the nature and properties  
7 of the noxious and poisonous gases of mines, and of mining engineering, and said inspectors  
8 shall, before entering upon the discharge of their duties, take an oath or affirmation to dis-  
9 charge the same faithfully and impartially, which oaths or affirmations shall be endorsed  
10 upon their commissions and commissions so endorsed shall be forthwith recorded in the office  
11 of the secretary of state, and such inspectors shall each give bonds in the sum of two thou-  
12 sand dollars (\$2,000) with sureties to the approval of the governor, conditioned for the faith-  
13 ful discharge of their duties. The governor shall divide the state into inspection districts  
14 and shall assign the inspectors to duty in such places as he shall deem proper.

SEC. 2. The executive council shall appoint a board of examiners composed of two prac-  
2 tical miners, two mine operators and one mining engineer who shall have at least five years  
3 experience in his profession. The members of said board shall be of good moral character

4 and citizens of the United States and the state of Iowa, and they shall before entering upon  
5 their duties take the following oath (or affirmation): "I, ....., do solemnly swear (or  
6 affirm) that I will perform the duties of examiner of candidates for the offices of mine  
7 inspector and mining boss, to the best of my ability, and that in recommending any candi-  
8 date I will be governed by the evidence of qualification to fill the position under the law  
9 creating the same, and not by any consideration of political or personal favors; that I will  
10 grant certificates to candidates according to their qualifications and the requirements of the  
11 law." They shall hold their offices for two years.

SEC. 3. Said board shall meet biennially on the first Monday in February of each even  
2 numbered year in the office of the state mine inspectors in the capitol and they shall publish  
3 in at least one newspaper of each inspection district, at least two weeks before said examina-  
4 tion takes place the date fixed by them for the examination of candidates for the offices of  
5 mine inspector and mining boss. They shall be furnished with the necessary stationery and  
6 other necessary material for said examination, in the same manner as other state officers are  
7 now provided; they shall receive as compensation the sum of five dollars per day and actual  
8 traveling expenses. The said compensation and expenses shall be paid in the same manner  
9 as other state officers are now paid; *provided*, that in no case shall the *per diem* received by  
10 any member of the board exceed seventy-five dollars for each biennial session.

SEC. 4. Certificates of competency for the office of mine inspector shall be granted only  
2 to citizens of the United States and the state of Iowa, of good moral character, not less than  
3 twenty-five years of age, who shall have at least five years experience in the mines, and who  
4 shall not have been acting as agent, superintendent or mining boss of any mine for at least  
5 six months prior to their appearance for examination.

SEC. 5. The examination of candidates for the office of mine inspector shall consist of  
2 oral and written questions in theoretical and practical mining and mine engineering, on the  
3 nature and properties of noxious and poisonous gases found in mines, and on the different  
4 systems of working and ventilating coal mines; the candidates shall not be allowed to have  
5 in their possession at the time of their examination any books, memoranda, or notes to be  
6 used as aids in said examination. The board shall give to all persons examined, who in their  
7 judgment possess the requisite qualifications, certificates of such qualification, and from the  
8 persons holding such certificates the governor shall appoint the inspector of mines.

SEC. 6. At each meeting of said board of examiners, immediately after examining candi-  
2 dates for the office of mine inspector and granting the certificates required by this act, they  
3 shall proceed to examine mining bosses and applicants for the position of mining boss, and  
4 they shall grant certificates to all persons who shall disclose their fitness for the duties of  
5 mining boss, and such certificates shall be sufficient evidence of the holder's competency and  
6 qualifications for the duties of said office.

SEC. 7. Any person who shall have been employed as a miner at least five years in the mines of Iowa, and as a mining boss continuously by the same person or corporation for a period of not less than one year next preceding the passage of this act, shall be entitled to a certificate without undergoing said examination, but he shall not be employed by any other person, firm, or corporation, in the capacity of mining boss without having undergone such examination.

SEC. 8. After July fourth, 1894, no owner, agent or operator shall employ any mining boss who does not have the certificate required by either section 6 or section 7 of this act.

SEC. 9. The inspectors of mines shall give their whole time and attention to the duties of their offices respectively, and shall examine all the mines in the state as often as their other duties will permit, and to see that the provisions of this act are obeyed; and it shall be lawful for such inspectors 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 workings of the mines, and to make inquiry and examination into the state and condition of the mines as to ventilation and general security as required by the provisions of this act. The inspectors shall make a record of all examinations of mines made by them, showing the date when made, the condition in which the mines are found, the extent to which the laws relating to mines and mining are observed or violated, the progress made in improvement and security of life and health, sought to be secured by the provisions of this act, the number of accidents, injuries or deaths in or about the mines, together with such facts and information of public interest concerning the condition of mines as they may deem useful and proper, or so much thereof as may be of public interest, to be included in their biennial report.

The owner, agent or operator of any coal mines is hereby required to furnish the means necessary for such inspection, and it shall be the duty of the persons having charge of such mines whenever any loss of life shall occur by accident connected with the workings of such mines to give notice forthwith by mail or otherwise to the inspector of mines of his district 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 the mine inspector shall examine all witnesses and in conjunction with the coroner shall inquire carefully into the cause of such accident and the coroner shall return a copy of the verdict and all testimony to the said inspector, and no such inquest shall be held in the absence of the mine inspector, and no place where a fatal accident occurred shall be disturbed except by such work as is necessary for the removal of the person or persons injured until after such place has been examined by the mine inspector. No person having a personal interest in or employed in the mine where a fatal accident occurs shall be qualified to serve on a jury impaneled on the inquest, and the owner, agent or operator of all coal mines shall report to

30 the inspector all accidents to persons in and around the mines, giving cause of the same,  
31 such report to be made in writing within ten days from the time any accident occurs.

SEC. 10. Said inspectors while in office shall not act as agents or managers nor engineers  
2 nor be interested in operating any mine and the inspectors shall biennially on or before the  
3 15th day of August preceding the regular session of the General Assembly make a report to  
4 the governor of their proceedings and the condition and operation of the mines in this state,  
5 enumerating all accidents in or about the same and giving all such information as they may  
6 think useful and proper and making such suggestions as they may deem important as to fur-  
7 ther legislation on the subject of mining.

SEC. 11. The inspectors provided for in this act shall each receive a salary of twelve hun-  
2 dred dollars (\$1,200) per annum, payable monthly and shall be provided with necessary sta-  
3 tionery and actual traveling expenses not to exceed seven hundred and fifty dollars (\$750) per  
4 annum; *provided*, that each inspector shall file at the end of each quarter of his official year  
5 with the auditor of state a sworn statement of his actual traveling expenses incurred in the  
6 performance of his official duty for such quarter, the said salary and expenses to be paid by  
7 the state as the salaries and expenses of other state officers are provided for. They shall have  
8 and keep an office in the capitol at Des Moines in which shall be kept all records, correspond-  
9 ence, papers, apparatus and property pertaining to their duties belonging to the state and  
10 which shall be handed over to their successors in office, and each inspector shall during his  
11 term of office have and keep a residence in the district to which he is assigned without  
12 expense to the state; also have and keep an office at a place designated by the governor, acces-  
13 sible to railroad and telegraph in their respective districts where at all reasonable times and  
14 when not actually engaged elsewhere such inspector shall be found.

SEC. 12. Any vacancy occurring in the office of mine inspector when the senate is not in  
2 session, either by death, removal by the governor, or otherwise, shall be filled by appointment  
3 by the governor, which appointment shall hold good until his successor is appointed.

SEC. 13. There shall be provided for such 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 inspectors, and shall be the property of the state.

SEC. 14. The agent, owner or operator of every coal mine shall make, or cause to made,  
2 an accurate map or plan of the workings of such mine on a scale of not less than one hun-  
3 dred feet to the inch, showing the area mined or excavated. Said map shall be kept at the  
4 office of such mine, but a copy of it shall also be furnished the mine inspector for his use.  
5 The said copy of map of workings so held by the mine inspector shall, on or before the first  
6 day of September of each year, be returned to the office of such mine, where it shall be cor-  
7 rected by said agent, owner or operator according to the progress of the workings of such

8 mine up to date, and then returned to the mine inspector within sixty days of its receipt.  
9 Whenever any agent, owner or operator of any mine shall prepare to abandon any mine,  
10 they shall before attacking the entry pillars of such mine, notify the mine inspector so that  
11 said inspector may send his map of said mine to the office of the agent, owner or operator of such  
12 mine to be corrected up to date, and the agent, owner or operator of all coal mines hereafter  
13 wrought out and abandoned, shall deliver a correct map or plan of said mine to the inspector  
14 to be filed in the mine inspector's office at the capitol.

SEC. 15. It shall be unlawful for the owner, agent or operator of any coal mine worked  
2 by a shaft to employ or permit any person to work therein unless there are to every seam of  
3 coal worked in such mine at least two separate outlets, separated by natural strata of not  
4 less than three hundred feet in breadth, by which shaft or outlet distinct means of ingress  
5 and egress are always available to the persons employed in the mine, but in no case shall a  
6 furnace shaft be used as an escape shaft and if the mine is a slope or drift opening the  
7 escape 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 escapes  
9 in all coal mines shall be kept free from water and falls of roof, and all escape shafts shall be fitted  
10 with convenient stairs not less than two feet in width nor more than eight inches in raise,  
11 of not more than sixty degrees descent with landings at easy and convenient distances, so as  
12 to furnish easy escape from such mine. In no case shall any combustible material be  
13 allowed between any escape shaft and hoisting shaft except such as is absolutely necessary  
14 for the operation of the mine. *Provided*, That where two or more mines are connected under  
15 ground, each owner may make joint provisions with the other for the use of the other's  
16 hoisting shaft or slope as an escape and in that event the owners thereof shall be deemed to  
17 have complied with the provisions of this section; and *provided further*, that this act shall  
18 not apply to mines operated by drifts or slope openings where not more than five persons  
19 are employed. The buildings covering the escape shaft shall be separated from all other  
20 buildings by a distance of not less than one hundred feet, and in all shafts hereafter sunk  
21 the fan shall not be placed at the hoisting shaft.

SEC. 16. In all mines there shall be allowed one year in which to make outlets as pro-  
2 vided in section 15, but not more than twenty men shall be employed in such mine at any  
3 one time until the provisions of section 15 are complied with, and after the expiration of the  
4 period above mentioned should said mines not have outlets aforesaid they shall not be oper-  
5 ated until made to conform to the provisions of section 15; and *provided further*, that this  
6 act shall not apply to mines where the escape is lost or destroyed by reason of the drawing  
7 of pillars preparatory to the abandonment of the mine. *Provided*, that not more than twenty  
8 men shall be employed in said mine at any one time.

SEC. 17. The owner, agent or operator of every coal mine, whether it be operated by  
2 shaft, slope or drift, shall provide and maintain for every such mine an amount of ventilation  
3 of not less than two hundred cubic feet of air per minute for each person employed in such  
4 mine, and not less than five hundred cubic feet of air per minute for each mule or horse  
5 employed in the same, which shall be distributed and circulated throughout the mine in such  
6 a manner as to dilute, render harmless and expel the poisonous and noxious gases, from each  
7 and every working place in the mine, and whenever the inspector shall find men working  
8 without sufficient air or under any unsafe conditions he shall order them out until said por-  
9 tion of said mine shall be put in proper condition, and any owner, mining boss or operator  
10 who shall allow any person to work in any mine or portion thereof so condemned shall be  
11 deemed to have violated this act and shall be prosecuted by the mine inspector and county  
12 attorney of the county in which such mine is situated immediately. And all mines governed  
13 by the provisions of this act shall be provided with artificial means for providing ventilation  
14 such as exhaust or forcing fans, furnaces or exhaust steam or other contrivances of such  
15 capacity and power as to produce and maintain an abundant supply of air for all the require-  
16 ments of the persons employed in the mine and in no case shall the working face be a greater  
17 distance than forty feet from the air current, but in case a furnace is used for ventilating  
18 purposes it shall be built in such a manner as to prevent the communication of fire to any  
19 part of the works by lining the upcast with incombustible material for a sufficient distance  
20 up from said furnace to insure safety.

SEC. 18. The owner, agent or operator of every coal mine operated by a shaft or slope, in all  
2 cases where the human voice cannot be distinctly heard shall forthwith provide and maintain a  
3 metal tube or other suitable means of communication from the top to the bottom of said shaft  
4 or slope suitably calculated for the free passage of sound therein so that communication can be  
5 held between the bottom and the top of the shaft or slope, and there shall be provided a  
6 safety catch of approved pattern and a boiler iron cover not less than one-half inch in thick-  
7 ness overhead on all carriages used for lowering and hoisting persons and on top of every  
8 shaft an improved safety gate, and also an upward safety spring upon the top of every slope  
9 and an adequate brake shall be attached to every drum used for lowering or raising persons  
10 in all shafts or slopes, and a trail shall be attached to every train used on a slope, and when  
11 springs are used in safety catches in shafts no spring shall be used for more than six months'  
12 service. All of such appliances to be subject to the approval of the mine inspector.

SEC. 19. No owner, agent or operator of any coal mine shall place in charge of any  
2 engine used for lowering into or hoisting out of such mine persons employed therein any but  
3 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  
5 interfere with it or any part of the machinery and no person shall interfere with or in any

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

SEC. 20. No boy under twelve years of age shall be permitted to work in any mine, and  
2 parents or guardians of boys shall be required to provide an affidavit as to the ages of their  
3 boys when there is any doubt as to their ages. And in all cases of minors applying for work  
4 the agent or the owner of the mines shall see that the provisions of this section are not  
5 violated.

SEC. 21. The owner or operator of every coal mine shall employ a competent and prac-  
2 tical inside overseer to be called mining boss, who shall keep a careful watch over the ven-  
3 tilating apparatus, the airways, traveling ways, timbers and drainage, and shall see that as  
4 the miners advance their excavations all loose coal, slate and rock overhead are carefully  
5 secured against falling in or upon the traveling ways, and that sufficient timber is furnished  
6 of suitable sizes and lengths for the places where they are to be used and placed in the work-  
7 ing places of the mines. And it shall also be the duty of the mining boss to see to it that on  
8 all traveling roads, manholes for shelter of sufficient size are made at least at every sixty  
9 feet, and that said manholes are kept whitewashed or painted white. And the mining boss  
10 shall measure the air current at least once a week at the inlet and outlet, and at the break-  
11 through nearest the face of each entry, and keep a record of such measurements, and report  
12 the same to the mine inspector of his district once in every month, and he shall cause all  
13 doors which are used in assisting or directing the air current to be so hung or adjusted  
14 that they will close themselves, or be supplied with springs or pulleys so that they cannot be  
15 left standing open, and the mining boss shall cause all breakthroughs in rooms and entries  
16 except the breakthroughs nearest the working faces to be closed immediately with airtight  
17 stoppings sufficient to prevent all leakages of air, and doors to be erected where directed by  
18 the mine inspector so as to conduct the air along the working faces where the men are at  
19 work.

SEC. 22. 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 after being notified by the inspector, any court of competent jurisdiction  
4 while in session or the judges in vacation may on application of the inspector by civil action  
5 in the name of the state enjoin or restrain by writ of injunction the said agent or owner  
6 from operating such mine with more persons at once than are necessary to make the improve-  
7 ments needed until it is made to conform to the provisions of this act, and such remedies  
8 shall be cumulative and shall not take the place of or affect any other proceedings against

9 such owner or agent authorized by law for the matter complained of in such action, and for  
10 any failure or neglect to comply with the provisions of this act by any owner, operator or  
11 agent of any coal mine or opening, whereby any one is injured a right of action shall accrue  
12 to the party so injured for any damage he may have sustained thereby, and in case of loss of  
13 life by reason of such neglect or failure aforesaid a right of action shall accrue to the widow  
14 if living, and if not living, to the children of the person whose life shall be lost for like  
15 recovery of damages for the injury they shall have sustained.

SEC. 23. Any miner, workman or other person who shall knowingly interfere with any  
2 air course or brattice, or obstruct or throw open doors, or disturb any part of the machinery  
3 or disobey any order given in carrying out the provisions of this act, or ride upon a loaded  
4 car or wagon in a shaft or slope, except as provided in section 19, or do any act whereby the  
5 health or lives of the persons or the security of the mines and machinery is endangered, or  
6 any miner or person employed in any mine governed by the provisions of this act who shall  
7 neglect or refuse to securely prop or support the roof and entries under his control or neglect  
8 or refuse to obey any order given by the superintendent in relation to the security of the  
9 mine in the part of the mine under his charge or control, every such person shall be deemed  
10 guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceed-  
11 ing one hundred dollars or imprisonment in the county jail not exceeding thirty days.

SEC. 24. Whenever written charges of gross neglect of duty or malfeasance in office  
2 against any inspector shall be made and filed with the governor, signed by not less than five  
3 miners or one or more operators of mines, together with a bond of five hundred dollars pay-  
4 able to the state and signed by two or more responsible freeholders conditioned for the pay-  
5 ment of all cost and expenses arising from the investigation of such charges, it shall be the  
6 duty of the governor to convene a board of examiners to consist of two practical miners, one  
7 mining engineer and two operators, at such time and place as he may deem best giving ten  
8 days' notice to the inspector against whom charges may be made, and also the person whose  
9 name appears first in the charges and said board when so convened and having first been duly  
10 sworn or affirmed truly to try and decide the charges made, shall summon any witnesses  
11 desired by either party and examine them on oath or affirmation, which may be administered  
12 by any member of the board, and depositions may be read on such examination, as in other  
13 cases, and report the result of their investigations to the governor; and if their report shows  
14 that said inspector has grossly neglected his duty or has been guilty of malfeasance in office,  
15 it shall be the duty of the governor forthwith to remove said inspector and appoint a suc-  
16 cessor, and said board shall award the cost and expenses of such investigation against the  
17 inspector or person signing his bond.

SEC. 25. In all coal mines where powder is used for blasting purposes, or where any  
2 danger to life or limb is possible from explosions of gas or other like causes, a competent fire-

3 man shall be appointed by the person or corporation operating the mine, whose duty it shall  
4 be to examine each working place in the mine every morning for the purpose of learn-  
5 ing whether any gas has accumulated in the mine, and no miner or other workman  
6 shall be allowed to enter any working place until the fireman shall have reported the condi-  
7 tion of such working place as safe.

SEC. 26. The owner or operator of each coal mine at which the miners are paid by weight  
2 shall provide such mines with suitable scales, of standard make, for the weighing of all coal  
3 mined.

SEC. 27. The owner or operator of such mine shall require the person authorized to weigh  
2 the coal delivered from said mine to be sworn before some person having authority to admin-  
3 ister oaths, to keep the scales correctly balanced, to correctly weigh and record a correct  
4 account of the amount weighed of each miner's car of coal delivered from such mine, and  
5 such oath shall be kept conspicuously posted at the place of weighing. The record of the  
6 coal mined by each miner shall be kept separate and shall be open to his inspection at all  
7 reasonable hours, and also for the inspection of all other persons primarily interested in such  
8 mine.

SEC. 28. In all coal mines the miners employed and working therein may furnish a com-  
2 petent checkweighman, who shall at all proper times have full right of access and examina-  
3 tion of such scales and machinery or apparatus and seeing all measures and weights of coal  
4 mined and accounts kept of the same; *provided*, that not more than one person collectively  
5 shall have such right of access, examination and inspection of scales, measures and accounts  
6 at the same time and that such person shall make no unnecessary interference with the use  
7 of such scales, machinery or apparatus. The agent of the mines as aforesaid shall before  
8 entering on his duties make and subscribe to an oath before some officer duly authorized to  
9 administer oaths, that he is duly qualified and will faithfully discharge the duties of check-  
10 weighman. Such oath shall be kept conspicuously posted at the place of weighing.

SEC. 29. Each state mine inspector shall procure from the state superintendent of weights  
2 and measures at the expense of the state a full and complete set of standards, balances and  
3 other means of adjustment such as are necessary in the comparison and adjustment of scales,  
4 beams and other apparatus used in weighing coal at the mines to the state standards of  
5 weight; and it shall be the duty of said inspector to examine, test and adjust as often as occa-  
6 sion demands, all scales, beams and other apparatus used in weighing coal at the mines.

SEC. 30. Any person, firm or corporation having or using any scale or scales for the pur-  
2 pose of weighing the output of coal at mines so arranged or constructed that fraudulent  
3 weighing may be done thereby shall knowingly resort to or employ any means whatever by  
4 reason of which coal is not correctly weighed or reported in accordance with the provisions  
5 of this act, or any weighman or checkweighman who shall fraudulently weigh or record the

6 weights of such coal or connive at or consent to such fraudulent weighing shall be deemed  
7 guilty of a misdemeanor and shall upon conviction for each such offense be punished by a  
8 fine of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) or  
9 imprisonment in the county jail for a period not to exceed sixty days or by both such fine  
10 and imprisonment, proceedings to be instituted in any court of competent jurisdiction.

SEC. 31. 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 exceed-  
4 ing five hundred dollars or imprisonment in the county jail not exceeding six months, except  
5 when different penalties are herein provided.

SEC. 32. The county attorney of any county in which any of the provisions of this act  
2 have been violated shall upon complaint being made to him by the mine inspector begin  
3 action in any court of competent jurisdiction against the person, firm or corporation charged  
4 with said violation.

SEC. 33. Chapter 21 acts of the Twentieth General Assembly, chapter 43 acts of the  
2 Twenty-first General Assembly, chapter 140 acts of the Twenty-first General Assembly, chap-  
3 ter 52 acts of the Twenty-second General Assembly, chapter 53 acts of the Twenty-second  
4 General Assembly, chapter 46 acts of the Twenty-third General Assembly, and section 2 of  
5 chapter 54 acts of the Twenty-second General Assembly are hereby repealed.