
IOWA MINING LAWS.

IOWA MINING LAWS.

CHAPTER 9 OF THE CODE.

SECTION 2478. *Inspectors.* The governor shall appoint three mine inspectors from those receiving certificates of competency from the board of examiners hereinafter provided for, who shall hold their office two years and until their successors shall be appointed and qualified, subject to removal by him for cause, their term to commence on the first Monday of April for each even-numbered year. Any vacancies occurring shall be filled in the same manner, the appointees to hold for the unexpired term only. Each inspector shall be in no way connected with or interested in mines or mining in this state, and shall, before entering upon the discharge of his duties, take an oath, to be indorsed upon his bond, faithfully and impartially to perform the same, and also give a bond in the sum of two thousand dollars with sureties, to be approved by the secretary of state, conditioned in accordance with the tenor of the oath, which shall be filed and, with the oath and commission, recorded in the office of the secretary of state. [21 G. A., ch 140, §§ 1, 3, 5; 20 G. A., ch. 21, §§ 1 3, 5.]

SEC 2479. *Board of examiners.* The executive council shall appoint a board of five examiners, two of whom shall be practical miners, two mine operators, and one a mining engineer, each of whom shall have had at least five years' experience in his profession, each of whom shall hold office for two years, and shall qualify by taking an oath to the effect that he will faithfully and to the best of his ability perform the duty of examining candidates for the office of mine inspector, and truly try any charges made against any such inspector, and that, in recommending candidates, he will be governed by the evidence of qualification to fill the position under the law, without fear, favor or political or personal considerations, and will grant certificates of competency to candidates according to their merits and the requirements of law. [22 G. A., ch. 52, § 22.]

SEC. 2480. *Meetings—compensation.* Said board shall meet in the office of the state mine inspectors in the capital on the first Monday in March of each even-numbered year for the examination of applicants; notice of which examination shall be published in at least one newspaper in each mining district not less than fifteen days preceding the date of such examination; and shall be furnished with the necessary stationery and other material for the examination in the same manner as other state officers are provided with supplies. The members shall receive as compensation for their services the sum of five dollars per day for the time actually employed, with necessary traveling expenses, which shall be audited and

paid in the manner provided for the salaries of other state officers, but in no case shall the per diem exceed fifty dollars a session to each member. [Same, § 23.]

SEC. 2481. *Examination—qualification of candidates.* The examination shall consist of oral and written questions in theoretical and practical mining and mine engineering, on the nature and properties of noxious and poisonous gases found in mines, and on the different systems of working and ventilating coal mines. During the progress of the examination, books, memoranda or notes shall not be allowed or used, and the board shall issue to those examined and found to possess the requisite qualifications certificates of competency for the position of mine inspector; but certificates shall be granted only to persons of twenty-five years of age or over, of good moral character, citizens of the state, and with at least five years' experience in the practical working of mines, and who have not been acting as agent or superintendent of any mines for at least six months next preceding such examination. [Same, §§ 24, 25; 21 G. A., ch. 140, § 1; 20 G. A., ch. 21, § 1.]

SEC. 2482. *Inspection districts—powers and duties of inspector.* The governor shall divide the state into three inspection districts, and assign one inspector to each district, who shall devote his entire time to his work, and before entering thereon, procure, to be paid for by and to belong to the state, all instruments necessary for the discharge of his duties, including a complete set of standards, balances and other means of adjustment in testing any and all apparatus used in weighing, and shall examine, test and adjust, as often as occasion demands, all scales, beams and other apparatus used in weighing coal at the mines. He shall examine all the mines in his district as often as the time will permit, keep a record of the inspections made, showing date, the condition in which the mine is found, the extent and manner in which the laws relating to the government of mines and their operation are observed and obeyed, the progress made in improvements for the better security to health and life, number of accidents happening and their character, the number employed, and such other and further matters as may be of public interest and connected with the mining industries of the state. He shall have the right at all reasonable times, by night or by day, to enter any mine in his district, or any district to which he may be sent by the governor, for the purpose of ascertaining its condition and the manner of its operation, by making personal examination and inquiry in relation thereto, but not so as to unnecessarily obstruct or impede the working of the mines; and to this end the mine owner or person in charge shall furnish such mine inspector all assistance in his power, and forthwith, upon the happening of any accident to any miner in or about the mine by reason of the working thereof which causes loss of life, shall report the same by mail or otherwise, to the mine inspector and the coroner of the county. Each inspector shall have and maintain, at some suitable place in his district, to be approved by the governor, an office, and shall reside in the district and remain there, unless otherwise engaged in the conduct of his official duties. [22 G. A., ch. 54, § 21; 21 G. A., ch. 140, §§ 1, 2, 6; 20 G. A., ch. 21, §§ 1, 2, 6.]

SEC. 2483. *General office—report to governor—compensation.* The three inspectors shall maintain a general office in the capitol, and keep therein all records, correspondence, documents, apparatus, or other property pertaining to their office; they shall meet in said office biennially on or before August fifteenth preceding the regular session of the general assembly, and make report to the governor of their official doings, including therein all matters which by this chapter are specially committed to their charge, adding such suggestion as to needed future legislation as in their opinion may be important. Each inspector shall receive for his services the sum of twelve hundred dollars per annum and actual traveling expenses, not exceeding five hundred dollars yearly, the traveling expenses to be paid quarterly upon an itemized statement duly verified and audited by the state auditor. [22 G. A., ch. 52, § 1; 21 G. A., ch. 140, §§ 3, 4; 20 G. A., ch. 21, §§ 3, 4.]

SEC. 2484. *Removal of inspector.* Charges of gross neglect of duty or malfeasance in office against any inspector may be made in writing, sworn to and filed with the governor, and must be made by five miners, or one or more mine operators; they shall be accompanied with a bond in the sum of five hundred dollars, running to the state, executed by two or more freeholders, approved and accepted by the clerk of the district court of the county of their residence, conditioned for the payment of all costs and expenses arising from the investigation of the charges, and thereupon the governor shall convene the board of examiners at such time and place as he may designate, giving the inspector and the person whose name first appears in the charges ten days' notice thereof. The board at the time and place fixed, shall proceed to hear, try and determine the matter, and for this purpose shall summon any material witness desired by either party, and may administer the proper oath to all witnesses. Evidence may also be taken by deposition as in other cases, and continuances of the hearing may be granted in the furtherance of justice and upon the application of either party. After the evidence has been fully heard, the board shall report to the governor the results of its investigation, and if the charges are sustained the inspector shall be forthwith removed by the governor, and in any event the costs and expenses of the hearing shall be awarded against the inspector or the bondsmen as the case may be. [21 G. A., ch. 43; 20 G. A., ch. 21, § 16.]

SEC. 2485. *Maps of mines—surveys—double damages.* The owner or person in charge of any mine shall make or cause to be made an accurate map or plan of the same, on a scale of not less than one hundred feet to the inch, showing all the area mined or excavated, and on or before the first day of September of each year cause to be made a statement and plan of the progress of the working of the mine up to date, which progress shall be clearly indicated upon the map hereinbefore required; a failure to comply with this provision for sixty days shall authorize the inspector of the district to cause the same to be done at the expense of the owner, which may be recovered in an action against him by the person doing the work, and the map so made shall include and cover the entire mine. All maps shall be kept exposed in the office of the mine, and said maps shall be subject to public inspection. The owner of any mine which is worked out or abandoned, or his agent, shall deliver a correct map thereof to the inspector to

be filed in his office. Upon affidavit of any adjoining land owner in the vicinity of said mine, or his agent, that it is necessary for the protection of his property to know how near his land the excavations in the mine extend, the inspector shall make an examination, employing a surveyor therefor, if necessary, to determine the length and direction of entries leading toward the land of the applicant and the extent of excavation of same on all of his land, if any, and make report of the same to him. The necessary expenses, including compensation of five dollars per day each to the inspector and surveyor, shall be paid by the applicant, except when it shall be shown that said applicant's property has been undermined, in which case, the expense shall be paid by the mine owner or operator. Any owner or person operating a mine, who, without permission, takes coal from adjoining lands, shall be liable in double damages therefor and for all expenses caused thereby. [20 G. A., ch. 21, § 7.]

SEC. 2486. *Escape and air shafts* The owner or person in charge of any 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 for each seam of coal worked, which in shaft mines shall be separated by natural strata of not less than one hundred feet in breadth, and in slope or drift mines not less than fifty feet in breadth, through which ingress and egress at all times shall be unobstructed to the employes, and in slope or drift mines shall be provided with safe and available traveling-ways; all traveling-ways and escapes to be kept free from water and falls of roof. All escape shafts not provided with hoisting appliances as herein-after provided shall have stairs at an angle of not more than sixty degrees in descent, kept in safe condition, with proper landings at easy and convenient distances apart. He shall provide all air-shafts where fans are used with working fans for ventilation, and those used for escapes with suitable appliances for hoisting underground workmen, at all times ready for use while the men are at labor, and no combustible material shall be allowed to be or remain between any escape-shaft and hoisting-shaft, save as it may be absolutely necessary in the operation of the mine. A furnace-shaft, if large enough, may be divided into an escape and a furnace-shaft, the partition to be of incombustible material for a distance of not less than fifteen feet from the bottom thereof, and so constructed throughout as to exclude the heated air and smoke from the side used as an escape shaft. Where two or more mines are connected underground, the several owners, by joint agreement, may use the hoisting shaft or slope of the one as an escape for the other. In all cases where escape-shafts are constructed less than one hundred feet from the hoisting shaft, there shall be built and maintained an 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 such hoisting-shaft. No escape-shaft shall be located or constructed without first giving notice to the district inspector, who shall determine the distance it shall be from the main shaft, and without his consent it shall not be less than three hundred feet, nor shall any building except the fan-house be placed nearer than one hundred feet of the escape; but the provisions of this chapter relating to escape-ways shall not apply to mines where the same are lost or destroyed by reason of the drawing of pillars preparatory to the abandonment of the mine, and in such mine not more

than twenty persons shall be employed at one time. [22 G. A., ch. 56, §§ 1, 2; 20 G. A., ch. 21, §§ 8, 9.]

[These provisions appear to have been enacted for the protection of miners in case of accident, and to require open and unobstructed means of escape. They do not require that all entries in the mines shall be propped or roofed with timber or other materials: *Fosburg v. Phillips Fuel Co.*, 61 N. W., 400.]

SEC. 2487. *Time for constructing outlets.* In all mines there shall be allowed one year to make outlets as provided for in section twenty-four hundred and eighty-six, but not more than twenty men shall be employed in such mine, at any one time, until the provisions of section twenty-four hundred and eighty-six are complied with; and after the expiration of the period above mentioned, should said mine not have the outlets aforesaid, it shall not be operated until made to conform to the provisions of section twenty-four hundred and eighty-six.

SEC. 2488. *Ventilation.* 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 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. To do this, artificial means by exhaust-steam, forcing-fans, furnaces, or other contrivances of sufficient capacity and power, shall be kept in operation. If a furnace is used, it shall be so constructed, by lining the up-cast for a sufficient distance with incombustible material, that fire cannot be communicated to any part of the works. When the mine inspector shall find the air insufficient, or the men working under unsafe conditions, he shall, at once, give notice to the mine owner or his agent or person in charge, and, upon a 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. [22 G. A., ch. 56, § 3; 20 G. A., ch. 21, § 10.]

SEC. 2489. *Safety appliances—competent engineers—boys not employed.* 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 over head 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 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 persons be allowed to descend or ascend in any cage at one time, or such less number as may be fixed by the district mine inspector, nor any one but the conductor on a loaded cage or car. He shall not allow a boy under twelve years of age to work in the mines, and, when in doubt regarding the age of one seeking employment, shall, before engaging him, obtain the affidavit of the applicant's parent or guardian in regard thereto. 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. [20 G. A., ch. 21, §§ 11-13, 18.]

[As to an employe not chargeable with the duty of looking after the safety of the entries in which he is employed, the mine owner does not discharge his duty by simply providing props for use, but is responsible for the general safety of the entry: *Carson v. Coal Hill Coal Co.*, 70 N. W., 185.]

SEC. 2490. *Scales and weighers—records—payment in money.* The owner or operator shall, if the miners are paid by weight, provide the mine with suitable scales of standard make, and require the person selected to weigh the coal delivered from the mine to be sworn before some person authorized to administer oaths to the effect that he will keep the scales correctly and truly balanced, and accurately weigh and a true record keep of each car delivered, which oath, with that of the check weighman hereinafter provided for, shall be conspicuously displayed with record of weights at the place of weighing, which record shall carry the account of each miner by itself, be open to the inspection at all proper times of miners and all others having a pecuniary interest in the mine, and all damages sustained on account of failure to weigh and credit to the proper person any coal mined shall be recoverable in an action brought within two years from the time the right thereto accrued, and a knowledge of a violation of this provision by the miner shall not be a defense thereto. The miners employed and working in any mine may furnish a competent check-weighman, who, before entering upon his duties, shall make and subscribe to an oath to the effect that he is duly qualified and will faithfully discharge his duties as check-weighman, and he shall at all proper times have access to and the right to examine the scales, machinery or apparatus used in weighing and seeing all measures and weights of coal mined and the accounts kept thereof; but not more than one person on the part of the miners collectively shall have this right, and such examination and inspection shall be so made as to create no unnecessary interference with the use of such scales, machinery or apparatus. The owner or agent shall, where the miner is by contract to be paid by the ton or other quantity, unless otherwise agreed upon in writing, weigh the coal before screening, and the miner shall be credited at the rate of eighty pounds to the bushel and two thousand pounds to the ton, but no payment shall be demanded for sulphur, rock, slate, black-jack, slack, dirt or other impurities which may be loaded or found with the coal. Where ten or more miners are employed, such owner or agent shall not sell, give, deliver or issue, directly or indirectly, to any person employed, in payment for labor due or as advances for labor to be performed, any script, check, draft, order or other evidence of indebtedness payable or redeemable otherwise than in money at the face value, and he shall not compel or in any manner endeavor to coerce any employe to purchase goods or supplies from any particular person, firm, company or corporation; but all wages shall be paid in money upon demand semi-monthly. A failure or refusal to make payment within five days after demand shall entitle the laborer to recover the amount due him, and one dollar per day additional for each day such payment is neglected or refused, not exceeding the sum due, and in any action therefor the court shall tax as a part of the costs a reasonable attorney fee to plaintiff's attorney. [25 G. A., ch. 98; 22 G. A., ch. 53, §§ 1-3; 22 G. A., ch. 54, §§ 1, 3; 22 G. A., ch. 55, § 1.]

SEC. 2491. *Penalties.* The owner or person in charge of any mine, who shall have or use any scales or other appliances for weighing the output of coal so arranged that false or short weighing may be done thereby, or shall knowingly resort to or employ any means whatever by which the coal is not correctly weighed, reported and recorded as in this chapter provided, or any weighman or check-weighman who shall falsely weigh, report or record the weights of coal, or connive at or consent to such false weighing, reporting or recording, or any such owner or agent, who shall fail to comply with the provisions of this chapter, or either of them, or shall obstruct or hinder the carrying out of its requirements, or any one who shall, or shall attempt to, compel or coerce any employe of any owner or person operating a mine to purchase goods from any particular person, shall be punished by imprisonment in the county jail not exceeding sixty days, and by a fine not exceeding five hundred dollars; or if any miner, workman or other person 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 orders given in carrying out the provisions of this chapter, or ride upon a loaded car or wagon in the shaft or slope, except as herein provided, or do any 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 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 safety of the mine in that part under his charge and control he shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding thirty days. [22 G. A., ch. 53, §§ 4, 5; 22 G. A., ch. 55, § 2; 20 G. A., ch. 21, §§ 15, 19.]

[Under a prior statute making it criminal without exception for anyone to ride on a loaded car, *held*, that a conductor thus riding in the discharge of his duty was not to be held guilty of wrong in so doing: *Crabell v. Wapello Coal Co.*, 68-75.]

SEC. 2492. *Failure to provide for safety of employes.* In addition to any and all other remedies, if any owner or person in charge of any mine shall fail to provide any of the appliances herein required for the safety of the employes, or the appliances provided do not conform to the requirements herein specified, or such owner or agent shall neglect, for twenty days after notice given in writing by the district 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 supplied, and in case an injury happens to those engaged in work because of such failure, the same shall be held culpable negligence. [22 G. A., ch. 56, § 4; 20 G. A., ch. 21, § 14.]

PROVISIONS AS TO ILLUMINATION.

SEC. 2493. *Purity of oil.* Only pure animal or vegetable oil, paraffine or electric lights shall be used for illuminating purposes in any mine in this state, and for the purpose of determining the purity of oils the state board of health shall fix a standard of purity and establish regulations for testing said oil, and said standard and regulations, when so determined, shall be recognized by all the courts of the state. [26 G. A., ch. 92, § 1; 26 G. A., ch. 93.]

SEC. 2494. *Penalty.* Any person, firm or corporation, either by themselves, agents or employes, selling or offering to sell for illuminating purposes in any mine in this state any adulterated or impure oil, or oil not recognized by the state board of health as suitable for illuminating purposes as contemplated in this chapter, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense; and any mine owner or operator or employe of such owner or operator who shall knowingly use, or any mine operator who shall knowingly permit to be used for illuminating purposes in any mine in this state any impure or adulterated oil, or any oil the use of which is forbidden by this chapter, shall, upon conviction thereof, be fined not less than five dollars nor more than twenty-five dollars. [26 G. A., ch. 92, § 2.]

SEC. 2495. *Testing oil.* It shall be the duty of the state mine inspector, whenever he has reason to believe that oil is being used or sold, or offered for sale, in violation of the provisions of this chapter, to take samples of the same and have them tested or analyzed, and if they are found to be impure he shall make complaint to the county attorney of the county wherein the offense is committed, who shall forthwith commence proceedings against the offender in any court of competent jurisdiction. All reasonable expenses incurred in testing or analyzing oil under the provisions of this section shall be paid by the owner of the oil whenever it shall be found that he is selling or offering to sell impure oil in violation of the provisions of this chapter. Such costs may be recovered in a civil action, and in criminal prosecutions such expense shall be taxed as part of the costs. [Same, §§ 3, 4.]

SEC. 2496. *Provisions applicable.* The provisions of this chapter shall apply only to coal mines. [Same, § 5.]

SECTION 1. *Air currents.* That section 2488 of the code be and the same is hereby amended by inserting in line 7, after the words "working parts of the same," the following: "But in no case shall the air current be a greater distance than sixty feet from the working face, except when making cross cuts in entries for an air-course; then, in that case, the distance shall not be greater than seventy feet, *provided*, however, that the district 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 air current is carried to the working face of the rooms, in double-room mining, such air current shall be treated as that contemplated in this act.

Approved March 28, 1898.