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COAL MINING LAWS

OF

W Y O M I N G



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Where sections are given, they refer to sections of the Revised Statutes and the laws as quoted here are those sections as they have been amended by the several session laws of 1901, 1903 and 1905.

Law Relating to Coal Mines

CHAPTER 23, SESSION LAWS 1903

Inspectors of Coal Mines

Appointment—Qualifications—Salary.

SECTION 1. The Governor shall nominate and by and with the consent of the Senate, appoint two State Inspectors of coal mines, who shall hold their office for six years and until their successors are duly appointed and qualified. They shall each have a thorough knowledge of practical mining and mining engineering, neither of whom shall be an employe, owner or part owner in any coal mine in the State. Said Inspectors shall not be less than thirty (30) years of age, citizens of the United States, and, if practicable, of this State, of good repute and temperate habits. The State Inspectors of coal mines shall each receive an annual salary of two thousand (\$2,000.00) dollars, and actual traveling expenses when in the discharge of their duties and shall keep their office at the State Capitol. Said Inspectors are hereby authorized to procure such instruments, chemical tests and stationery and to incur such expense of communication, from time to time, as may be necessary to the discharge of their duties, provided, that such expense shall not exceed the contingent fund

provided for that office, at the cost of the State, subject to the approval of the Governor of the State, which shall be paid out of the State Treasury upon accounts duly certified by him and audited by the State Auditor. All instruments, plans, books, memoranda, notes and other property pertaining to the office hereby created, shall be the property of the State and shall be delivered by each Inspector to his successor in office; and said Inspectors shall be allowed all expenses necessarily incurred in enforcing the provisions of this chapter, in the courts of the State when such expenses are certified to be correct by the courts before which the proceedings were heard.

Inspection Districts.

SEC. 2. The State shall be divided into two Inspection Districts, one to be known as District No. 1, comprising the counties of Laramie, Albany, Carbon, Sweetwater and Uinta, the other to be known as District No. 2, comprising the counties of Converse, Natrona, Fremont, Big Horn, Johnson, Sheridan, Crook and Weston. In the appointment of Inspectors the Governor shall designate the district for which each Inspector is appointed, and the jurisdiction of such Inspector shall extend to and be confined to the particular district for which he has been appointed; provided, that in case of the Inspector of either district being unable to attend to the duties of his office through sickness, absence from the State or any other cause, the Inspector of the other district shall have full authority and jurisdiction to act in the place and stead of the regularly appointed Inspector of such district.

Bonds—Duties.

SEC. 3. The State Inspectors of coal mines

shall each, before entering upon the discharge of his duties, give bond in the penal sum of five thousand (\$5,000.00) dollars to the State of Wyoming, with sufficient sureties, which bond shall be conditioned for the faithful discharge of his duties. Each of said Inspectors shall devote the whole of his time to the duties of his office. It shall be the duty of each Inspector to examine the coal mines within his district as often as possible, which shall not be less than once in three months and report the number of times he has visited each mine in a year, and see that all the provisions of this act are observed and strictly carried out.

Examinations—Reports.

SEC. 4. It shall be the duty of each Inspector to make records of all examinations of mines within his district, showing the condition in which he finds them, especially in reference to ventilation and drainage, the number of mines in his district, the number of persons employed in each mine, the extent to which the laws are obeyed, the progress made in the improvements sought to be secured, the number of accidents and deaths resulting from injuries received in and about the mines, with cause of such accident or death; said reports to be made quarterly.

Removed From Office—How.

SEC. 5. The District Court within the proper county or Judge thereof, in vacation or recess, upon a petition signed by not less than fifteen (15) reputable citizens who shall be miners, owners or lessees of mines and with the affidavit of one or more of said petitioners attached setting forth that the State Inspector of coal mines for that district neglects his duty or is incompe-

tent or that he is guilty of malfeasance in office, shall issue a citation in the name of the State to the said Inspector to appear upon a day, to be therein fixed and stated, before said Court, which notice shall be served at least fifteen (15) days before the time fixed to appear, at which time the Court or Judge thereof in vacation or recess, shall proceed to inquire into and investigate the allegations of the petitioners; and if the Court find that said Inspector is neglectful of his duties or is incompetent to perform the duties of his office, or if he is guilty of malfeasance therein, the Court or Judge shall certify the same to the Governor, who shall thereupon declare the office of said Inspector vacant and proceed to supply said vacancy by appointment. And all vacancies in said office shall be filled by appointment by the Governor. The cost of said investigation shall, if the charges are sustained, be taxed against the said Inspector, but if the charges be not sustained, they shall be taxed against the county in which the investigation is instituted.

Ventilation of Mines.

SEC. 6. The owner, lessee or agent of any coal mine, whether shaft, slope or drift, shall provide and maintain for every such mine, ample means of ventilation, affording not less than one hundred and fifty cubic feet of pure air per minute for each and every person employed in said mine, and as much more as the circumstances may require, which shall be circulated around the main headings and cross headings and working places to an extent that will dilute, carry off and render harmless the noxious or dangerous gases generated therein; the main current of air shall be so split or subdivided as to give a separate current of reasonably pure air to every

hundred men at work, and the Inspector shall have authority to order separate currents for smaller groups of men, if, in his judgment, special conditions make it necessary; and the air current for ventilating the stable shall not pass into the intake air current for ventilating the working parts of the mine. In mines generating fire-damp a worked out or abandoned parts thereof shall be kept free of standing gas, or properly walled off and the entrance thereto properly closed, and cautionary notice posted on the stopping to warn persons from danger, and every working place and all other places where gas is known or supposed to exist, shall be carefully examined by the fire-boss, within two hours immediately before each shift, with a safety lamp, and in making said examination it shall be the duty of the fire-boss, at each examination, to leave at the face of every place examined, evidence of his presence; and it shall not be lawful for any miner to enter any mine or part of a mine generating fire-damp until it has been examined by the fire-boss aforesaid and by him reported to be safe. No working place shall be driven more than fifty feet in advance of a breakthrough or airway.

Report of Inspection Posted at Mine.

SEC. 7. It shall be the duty of each State Inspector of coal mines on each visit to any mines within his district, to make out a written or partly written and partly printed report of the condition in which he finds such mines and post the same in the office at the mine; also on the dump of such mine; the said report shall give the date of visit, the number of visits during the year, the total number of mines in the State, the number of feet of air in circulation at the face of

each and every entry, and such other information as he shall deem necessary, and the report shall remain posted in the office and also on the dump of such mine for one year and said report may be examined by any miner or person employed in and about such mine.

Owner or Operator Must Report to Inspector —When.

SEC. 8. On or before the 30th day of October in each year, the owner, operator or superintendent of any mine or coalery shall send to the State Inspector of coal mines for the district in which said mine is situated, a correct report, specifying with respect to the year ending the 30th day of September, the name of the owner, operator and officers of the mine, and the quantity of coal mined and the number of men employed. The report shall be in such form and give such information as may be from time to time required and prescribed by the Inspector; blank forms for such report shall be furnished by the State.

Inspectors' Clerk—Appointment—Salary.

SEC. 9. The State Coal Mine Inspectors shall have authority to appoint a clerk, who shall be a qualified elector of the State and who shall receive a salary of (\$600) six hundred dollars per annum, who shall be required to constantly be in attendance during regular office hours in the office of the State Coal Mine Inspectors, in the Capitol Building at Cheyenne. It shall be the duty of said chief clerk to keep the records of said office and to perform such clerical work as may from time to time be required of him by the said Inspectors.

Inspectors of Coal Mines—Duties.

SEC. 10. Wherever in the Statutes or laws of Wyoming, not specifically referred to in this act, any duty or obligation is imposed upon the State Inspector of coal mines, said duty shall become and is hereby made a part of the duties of the Inspectors of coal mines, provided for in this act; and the Inspectors appointed under the provisions of this act shall have the same jurisdiction, power and authority to act in the premises and to enforce the laws of this State within the bounds of their respective districts as the State Inspector of coal mines has heretofore possessed throughout the State.

CHAPTER 98, SESSION LAWS 1901

Deputy Coal Mine Inspectors

Appointment of.

SEC. 1. The State Coal Mine Inspector shall have authority to appoint, from time to time, special deputies for the purpose of reporting and investigating mine accidents, making examinations and reporting the same, and performing such other duties as they may be directed to perform by the Coal Mine Inspector, in cases where it is impossible for the Coal Mine Inspector to be present in person.

Compensation of.

SEC. 2. The deputies appointed under the provisions of Section 1 of this act shall each receive four dollars per day together with their necessary expenses while on duty; such per diem and expenses to be paid from the appropriation made for the contingent expenses of the State

Coal Mine Inspector, upon vouchers duly sworn to as in cases of other claims against the State; provided, that all claims shall be approved by the State Coal Mine Inspector before being paid.

TITLE 18, DIVISION 1
REVISED STATUTES
CHAPTER 2
Coal Mines

Map of Mines to be Prepared.

SEC. 2562. The owner, operator or superintendent of every coal mine shall make or cause to be made, an accurate map or plan of such coal mine, on a scale not exceeding two hundred feet to the inch; which map or plan shall exhibit all the openings or excavations, the shafts, tunnels, slopes, planes, gangways, entries, cross-headings, rooms, etc., and shall show the direction of the air currents therein, and shall accurately delineate the boundary line between said mine and adjoining mines, and show its relation and proximity thereto. The said map or plan or a true copy thereof, shall be kept at such mine by the said owner, operator or superintendent, for the use of the State Inspector of coal mines, and for the inspection of any miner working in said mine, whenever said miner shall have cause to fear that the place where he is working is becoming dangerous by reason of its proximity to other workings, which may be supposed to contain water or dangerous gases. The said owner, operator or superintendent shall as often as once in every six months, accurately place or cause to be placed on a map or plan of said coal mine, a plan of the excavations made of all the

working places or other parts of such coal mine during the preceding six months, and whenever the workings or excavations of said coal mine or any part of the same have been driven to within ten feet of the boundary line, or when said coal mine or any part of the same is abandoned, the owner, operator or superintendent thereof, shall furnish the State Inspector of coal mines, within three months thereafter, the proximity to the boundary line as aforesaid, or after abandonment of the said mine or any part of the same, with a correct copy on tracing muslin or blue print of the map or plan of said mine, which shall accurately show all excavations and workings of such mines to date, exhibiting clearly the part or parts abandoned, and the part or parts in proximity to the boundary line aforesaid. The several coal maps or plans of mines in the State which are furnished to the State Inspector of coal mines, as last aforesaid, shall be the property of the State, and shall remain in the care of the said State Inspector of coal mines, to be transferred by him to his successor in office, and in no case shall any copy of the same be made without the consent of the owner, operator or his agent. If the said State Inspector of coal mines shall find or have good reason to believe that any map or plan of any coal mine made or furnished in pursuance of the provisions of this chapter is materially inaccurate or imperfect, he is hereby authorized to cause a correct plan or map of said coal mine to be made at the expense of the owner or operator thereof, the cost of which shall be recovered from the said owner or operator, in the name of the State, as other debts are recoverable by law; provided, however, that if the map or plan which is claimed to be inaccurate shall prove to have been correct, then the

Inspector shall be held liable for the expenses incurred in making such test survey, and the same shall be paid by the said Inspector.

Mines to Have Two Openings.

SEC. 2563. It shall not be lawful for the owner, operator, contractor, lessee or agent of any coal mine, or for any firm, company, corporation or association, their clerks, servants, agents or employes to employ any person at work within any coal mine, or permit any person to be in any coal mine for the purpose of working therein, unless such mine is in communication with at least two openings, if the mine be worked by shaft or slope, which two shafts or slopes shall be separated by natural strata at all points by a distance of not less than fifty feet, except in drift mines heretofore opened, where the Mine Inspector shall deem it impracticable; provided, however, an aggregate number not exceeding twenty persons may be employed in the mine at any one time until the second opening shall be reached and made available, which said second opening the said Inspector of coal mines shall cause to be made without unnecessary delay, and in case of furnace ventilation being used before the second opening is reached, the furnace shall not be placed within forty feet of the foot of the shaft, slope or drift, and shall be well secured from danger from fire by brick or stone walls of sufficient thickness.

Man=Ways.

SEC. 2564. When a second opening or outlet is made which does not exceed seventy-five feet in vertical depth, from the surface to the seam or strata of coal that is being mined, it

shall be set apart exclusively for the purpose of ingress and egress to or from the mine, by any person or persons employed therein, and it shall always be kept clear of any obstruction, and if the opening is a shaft it shall be fitted with safe and convenient stairs not less than two feet wide, and not to exceed an angle of sixty degrees descent, and landings of not less than eighteen inches wide and four feet long, at easy and convenient distances; and all water coming from the surface or out of the strata in the shaft shall so be conducted as to be prevented from falling down the shaft or the stairs or on persons ascending or descending the stairway of the shaft. If the second opening is a slope for a traveling way and has a greater angle of descent than twenty-five degrees, it shall be provided with suitable stairs, not less than two feet wide, but when the seam or stratum of coal at main outlet or escapement shaft in connection with any mine exceeds seventy-five feet in vertical depth from the surface, the miners or other employes in the mine shall be lowered into or raised from said mine by machinery; and when the employes are lowered into or raised from said mine at the main outlet, the escapement shall be fitted with safe and available machinery, or safe and convenient stairs, by which persons employed in the mines may readily escape in case of accident. The hoisting machinery and stairs used for lowering or raising the employes into or out of the mine shall be kept in a safe condition and inspected once each twenty-four hours by a competent person employed in whole or in part for that purpose, and such machinery and the methods of its inspection shall be approved by the State Inspector of coal mines.

Ventilation—Gas and Fire Damp—Duties.

SEC. 2565. The owner or agent of any coal mine, whether shaft, slope or drift, shall provide and maintain for every such mine ample means of ventilation, affording not less than one hundred cubic feet of pure air per minute for each and every person employed in said mine, and as much more as the circumstances may require, which shall be circulated around the main headings and across headings and working places to an extent that will dilute, carry off and render harmless the noxious or dangerous gases generated therein, and all mines generating fire-damp shall be kept free of standing gas in the worked out or abandoned parts of the same, and the entrance thereto shall be properly closed and cautionary notice shall be posted to warn persons of danger, and every working place and all other places where gas is known or supposed to exist shall be carefully examined by the fire-boss, within two hours immediately before each shift, with a safety lamp, and in making said examination it shall be the duty of the fire-boss, at each examination, to leave at the face of every place examined evidence of his presence; and it shall not be lawful for any miner to enter any mine or part of a mine generating fire-damp until it has been examined by the fire-boss aforesaid, and by him reported to be safe.

Control of Fire Damp—Penalty.

SEC. 2566. It shall be unlawful for any miner, fire-boss, employe in any mine or other person to brush fire-damp from any place in a coal mine by means of a coat, sack, sail cloth or any like article or material; and any person so offending shall be deemed guilty of a misde-

meanor, and upon conviction shall be imprisoned for a term not exceeding six months, and fined in any sum not to exceed one hundred dollars. And any owner or superintendent, mine-boss or fire-boss who shall knowingly permit the same to be done shall be deemed guilty of a misdemeanor, subject to the same penalties as hereinbefore prescribed.

Mining Boss—Duties.

SEC. 2567. In order to better secure the proper ventilation of every coal mine, and promote the health and safety of the persons employed therein, the owner or agent shall employ a competent and practical inside overseer, to be called mining boss, who shall be an experienced coal miner, and shall have taken and passed the examination before, and received a certificate of competency from the examining board herein-after provided for, and who shall keep a careful watch over the ventilating apparatus and the airways, traveling ways, pumps and drainage, and shall see that, as the miners advance their excavations, all loose coal, slate and rock overhead are carefully secured against falling on the traveling ways, and that sufficient props, caps and timbers are furnished upon order of the miner, of suitable size and cut square at both ends, and as near as practicable to a proper length for the places where they are to be used, and such props, caps or timber and the necessary rails and ties shall be delivered at the mouth of the rooms. He shall see that all water be drained or hauled out of all working places before the miner enters, and, as far as practicable, kept dry while the miner is at work; and it shall be the further duty of the mining boss to see that the proper cut-throughs are made in the room

pillars in the miners' places at intervals of not more than sixteen yards for the purpose of ventilation, and in all hauling roads holes for shelter shall be made every thirty yards, and be kept whitewashed, when a space two feet and six inches between the wagon and the rib shall be deemed sufficient for shelter; and the mining boss shall measure the air current at least once a week at the inlet and outlet and at or near the face of the headings.

Record.

SEC. 2568. The mining boss shall keep a record of such measurements, which shall be placed by him in a book kept for that purpose; said book to be open for the examination of the said State Inspector. He shall also, on or about the fifteenth day of each month, mail to the State Inspector of coal mines a true copy of the air measurements given, stating also the number of persons employed in or about said mine, the number of mules and horses used, and the number of days worked in each month, for which purpose blanks shall be furnished by the said Inspector. It shall be the further duty of the mining boss to immediately notify the owner or agent of the mine of his inability to comply with the provisions of this chapter. It shall then become the duty of the said superintendent, operator, owner or agent at once to attend to the matter complained of by the mining boss, and to comply with the provisions hereof.

Safety Lamps—Ventilation.

SEC. 2569. The safety lamps used for examining mines, or which may be used in working therein, shall be furnished by and be the property of the owner of said mine, and shall be in

charge of the agent of such mine, and in all mines the doors used in assisting or directing the ventilation of the mine shall be so hung and adjusted that they will close themselves, or be supplied with springs or pulleys so that they cannot be left standing open, and bore holes shall be kept not less than twelve feet in advance of the face of every working place, and when necessary on the sides of the same when they are being driven towards and in dangerous proximity to an abandoned mine or part of a mine, suspected of containing inflammable gases, or which is inundated with water.

Examination of Mine.

SEC. 2570. The mining boss, or his assistant, shall visit and examine every working place in the mine at least once every alternate day while the miners of such place are or should be at work, and shall direct that each and every working place is properly secured by props or timber, and that safety in all respects is assured, and that no person shall be permitted to work in an unsafe place, unless it be for the purpose of making it safe.

Rules.

SEC. 2571. All owners and operators of coal mines shall keep posted in a conspicuous place about their mine printed rules, submitted to and approved by the State Inspector, defining the duties of all persons employed in or about said coal mines, which said notices shall be printed in the language or languages used by the miners working therein.

Injury to Property—Penalty.

SEC. 2572. Any miner, workman or other person who shall intentionally injure any shaft, lamp, instrument, air course or brattise, or obstruct or throw open air ways, or carry lighted pipes or matches into places that are worked by safety lamps, or handle or disturb any part of the machinery, or open a door and not close it again, or enter any place of the mine against caution, or disobey any order given in carrying out the provisions of this chapter, or do any other act whereby the lives or the health of persons or security of the mines or machinery is endangered, shall be deemed guilty of a misdemeanor, and may be punished in a manner provided in section two thousand five hundred and eighty-four.

Machinery—Traveling Way.

SEC. 2573. All machinery about mines shall be properly fenced off, and there shall be cut in the side of every hoisting shaft, at the bottom thereof, a traveling way sufficiently wide and high to enable persons to pass the shaft in going from one side of the mine to the other, without passing over or under the cage or other hoisting apparatus.

Inspector to Have Access to Mines.

SEC. 2574. The State Inspector of coal mines shall have the right at all times to enter any coal mine to make examinations or obtain information, and the owner or superintendent shall afford any assistance necessary to the said Inspector in making such examination. The said Inspector shall notify the owner, lessee, superintendent or mining boss immediately of the discovery

of any violation of this chapter, and of the penalty imposed thereby for such violation, and in case of such notice being disregarded for the space of five days he shall institute proceedings against the owner, agent, lessee or mining boss, under the provisions of section two thousand five hundred and eighty-four. In case, however, where, in the judgment of the said Inspector, delay may jeopardize life or limb, he may at once enter proceedings (except the defects to be remedied) to restrain working of the mine; and the cost of said proceedings, including the charge of the attorney prosecuting the same, shall be borne by the owner, lessee, or superintendent against whom such proceedings are had; provided, that no attorney fee exceeding the sum of fifty dollars shall be taxed in any one case for the prosecution of such case; and provided, further, that if the court shall find the cause not sufficient, then the case shall be dismissed and the costs borne by the State.

Procedure in Case of Accident.

SEC. 2575. Whenever, by reason of any explosion, or any other accident, in any coal mine or the machinery connected therewith, loss of life or serious personal injury shall occur, it shall be the duty of such persons having charge of such mine or colliery to give a notice thereof forthwith to the State Inspector of coal mines, and if any person is killed thereby, to the coroner of the county, who shall give due notice of the inquest to be held. If the coroner shall determine to hold an inquest, the said Inspector shall be allowed to testify and offer such testimony as he shall deem necessary to thoroughly inform the said inquest of the causes of the death, and the said inspector shall have authority at

any time to appear before said coroner and jury and question or cross question any witness, and and in choosing a jury for the purpose of holding such inquest it shall be the duty of the coroner to empanel at least one experienced miner on such jury. It shall be the duty of the said Inspector, upon being notified as herein provided, to immediately repair to the scene of the accident and make such suggestions as may appear necessary to secure the future safety of the men; and if the results of the explosion or accident do not require an investigation by the coroner, he shall proceed to investigate and ascertain the cause of the explosion or accident and make a record thereof, which he shall file as provided for; and to enable him to make the investigation he shall have the power to compel the attendance of persons to testify, and to administer oaths or affirmations. The cost of such investigation shall be paid by the county in which the accident occurred in the same manner as costs of coroners' inquests are paid by law.

Appeal from Decision of Inspector.

SEC. 2576. The Inspector shall exercise his sound discretion in the enforcement of the provisions of this chapter, and if the operator, owner or miner shall not be satisfied with any decision of the Inspector rendered in the discharge of his duties under this chapter, which said decision shall be in writing, and signed by said Inspector, the said owner, operator, miner or miners may, within fifteen days after such decision is rendered, appeal to the district court of the county in which the mine is located, and said court shall speedily determine the point involved in said decision and appeal, which said decision shall be binding and conclusive, subject only to an appeal to

the supreme court of the State. The court, in its discretion, may appoint three practical, competent and disinterested persons, whose duty it shall be, under instructions of the said court, to forthwith examine such mine and make report under oath of the facts as they exist or may have been, together with their opinions thereon, which report of said board shall become absolute, unless exceptions thereto shall be filed within ten days after the notice of the filing thereof, to the owner, operator, miner or miners, or Inspector, and if exceptions be filed the court shall at once hear and determine the same, and the decision shall be final and conclusive, subject only to appeal as aforesaid. If the court shall finally sustain the decision of the Inspector, then the appellants shall pay all costs of such proceedings, and if the court shall not sustain the decision of the Inspector, then such costs shall be paid by the county or by the appellants and county in such proportion as the court shall determine. No appeal from any decision made by any Inspector shall work as a supersedeas during the pendency of such appeal, but all such decisions shall be in full force until reversed or modified by the court.

Examining Board—Appointment.

SEC. 2577. On the petition of the Inspector of coal mines, the district court in any county in this State shall appoint an examining board for such county, consisting of the State Inspector of coal mines, an operator of a coal mine, and a coal miner, who shall be citizens of the United States, and the latter two of which board shall have at least ten years' experience in coal mines and mining, whose duty it shall be to examine any person applying thereto as to his competency

and qualifications to discharge the duties of mining boss.

Duties of Board.

SEC. 2578. Said board of examiners shall meet at the call of the Inspector and they shall grant certificates to all persons whose examination shall disclose their fitness for the duties of mining boss, and such certificate shall be sufficient evidence of the competency and qualification of the holders for the duties of said office; provided, however, that when the State Mine Inspector from his inspection of any mine may become satisfied that the mine-boss or fire-boss is incompetent in the performance of his duties, he may request him to undergo a re-examination before the examining board, and in the event of his refusal to undergo said examination he is hereby authorized to cancel his certificate of competency and cause the same to become null and void.

Compensation and Term of Office.

SEC. 2579. The members of the examining board, other than the Inspector, shall hold their office for the period of two years from the date of their appointment, and shall receive five dollars per day for each day necessarily and actually employed, and mileage at the rate of fifteen cents per mile for each mile necessarily traveled, to be paid by the State. Vacancies in the membership of the board shall be filled by the court of the proper county, except the vacancy in the office of the Inspector. Sessions of the examining board shall not exceed three days in each quarter, and for any certificate granted the board shall receive the sum of one dollar, the same to be paid into the State treasury.

Boss to Have Certificate.

SEC. 2580. No person shall act as fire-boss or mining-boss unless granted a certificate of competency by the State Inspector of coal mines. No owner, operator, contractor, lessee or agent shall employ any mining-boss or fire-boss who does not have the certificate of competency required. Said certificate shall be posted up in the office of the mine, and if any accident shall occur in any mine in which a mining-boss or fire-boss shall be employed who has no certificate of competency, as required by this chapter, by which any miner shall be killed or injured, he or his estate shall have a right of action against such operator, owner, lessee or agent, and shall recover the full damages sustained; in case of death, such action to be brought by the administrator of his estate within three years from the date of accident, the proceeds recovered to be divided among the heirs of the deceased according to law.

Inspection at request of Miners.

SEC. 2581. At any time, upon the request of the miners employed in any coal mine, the State Inspector may appoint a committee of two miners employed in said mine, which committee shall be assisted by the mine-boss to make an inspection of said mine and report the result of said inspection to the State Mine Inspector, for which services said committee shall be paid by the miners employed in said mine. The State Inspector is hereby made the legal adjuster of all weigh scales, measures or other mechanical machine by which the miners' coal is weighed or measured, and shall balance and adjust said scales or measures at any time he may consider it necessary in his official visits to the mines.

Person Injured to Recover Damages—When.

SEC. 2582. For any injury to person or property occasioned by any violation of this chapter, or any willful failure to comply with its provisions, a right of action against the party at fault shall accrue to the party injured for the direct damages sustained thereby, and in any case of loss of life; by reason of such violation or willful failure, a right of action against the party at fault shall accrue to the administrator of the estate of the person whose life shall be lost, for like recovery of damages for the injuries sustained; provided, that nothing in this section shall be so construed as to prevent the recovery of any lawful damages against the person or company operating the mines if said company should be found in fault or shall have contributed to any accident by means of carelessness on their part; and provided, further, that in no case shall the State be liable for damages under this chapter.

Stretchers to be Provided—When.

SEC. 2583. It shall be the duty of owners, operators, lessees, superintendents and agents of coal mines to keep at the mouth of the drift, shaft or slope, or at any such other place or places as shall be designated by the Inspector, stretchers in such number as the Inspector shall designate, properly constructed, for the purpose of carrying away any miner or employe working in and about such mine, who may in any way be injured in and about his employment.

Neglect of Duties—Penalties.

SEC. 2584. The neglect or refusal to perform the duties required to be performed by any section of this chapter or sections one hundred and

ten to one hundred and fifteen inclusive (these sections are now Chapter 23, Laws of 1903, the first chapter of this pamphlet) by the parties therein required to perform them, or the violations of any of the provisions or requirements thereof, shall be deemed a misdemeanor, and shall, upon conviction, except wherein otherwise provided, be punished by a fine of not less than two hundred dollars and not exceeding five hundred dollars, at the discretion of the court; provided, that in case the neglect or failure or violation occurs in the case of the State Inspector of coal mines, if such violation, failure or neglect is shown to have been willful, such punishment shall be by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment not less than six months nor more than one year, or by both; and in default of payment of any fine imposed upon any person under this chapter, such person may be committed to jail until the same shall be paid.

Application.

SEC. 2585. The provisions of this chapter shall not apply to any mine employing an average of less than ten persons during any one twenty-four hours.

CHAPTER 3

Eight Hour Law

Legal Working Day in Coal Mines.

SEC. 2586. Eight hours shall constitute a day's work for all coal miners and laborers now employed, or who may be hereafter employed, in any coal mine in this State, except in cases where it may be necessary to work more than eight

hours per calendar day for the protection of property or human life; provided, that in all such cases the miners or laborers so employed and working to exceed eight hours per calendar day shall be paid upon the basis of eight hours constituting a day's work.

Day Defined.

SEC. 2587. In all contracts hereafter made between any owner, lessee or operator of any coal mine with any such miner or laborer for his services as such, the word day when used shall be construed to be eight hours; provided, that nothing in this chapter contained shall be construed to prohibit or prevent any such owner, lessee or operator from operating his or its coal mine more than eight hours in any twenty-four.

Time Defined.

SEC. 2588. The eight hours in this chapter provided for shall be construed to mean eight hours of actual labor and shall not include the time consumed in going to or returning from work.

Penalty.

SEC. 2589. Any owner, lessee or operator, his or its agent, employes or servants violating any of the provisions of this chapter shall be fined not less than fifty dollars nor more than three hundred dollars, or imprisoned not more than three months, or both.

CHAPTER 4

Payment of Coal Miners

Miners Shall be Paid Semi-Monthly.

SEC. 2590. All wages or compensation of coal miners and laborers, now employed, or who

may hereafter be employed, in or about any coal mine in the State, shall be due and payable semi-monthly, and such payment shall be made in lawful money of the United States, or by a good and valid check or draft, payable on presentation thereof, in lawful money of the United States, and not otherwise; that is to say, all such money earned prior to the first day of any month shall be due and payable on or before the fifteenth day of such month, and any such money earned prior to the sixteenth day of any month shall be due and payable on or before the last day of such month. Any person, company or corporation operating coal mines within this State who fails to comply with the provisions of this section shall be fined in the sum of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

Action Accrues—When.

SEC. 2591. In case of any employer of any such miner or laborer shall fail or refuse to make payment as aforesaid, the same shall be recoverable in an action at law, together with legal interest from the date when such amount was due, as provided herein.

Set-Off.

SEC. 2592. No account for goods, wares or merchandise, nor any claim, except for money loaned or advanced by such employer to such miner or laborer, except as hereinafter provided, shall be allowed as a set-off or counter-claim in such action, and any condition of employment whereby any of the provisions of this chapter are sought to be avoided shall be utterly null and void.

Employer May Furnish Certain Supplies.

SEC. 2593. Nothing in this chapter contained shall be held to interfere with any contract or agreement, in writing, for the furnishing by such employer to such employes, of medicine, medical attendance, fuel or house rent.

CHAPTER 5

Weighing of Coal

Regulating the Weighing of Coal.

SEC. 2594. It shall be unlawful for any mine owner, lessee, operator, agent or company in this State, employing miners at bushel or ton rates, or other quantities, in mining coal, to pass the output of coal mined by said miners over any screen or any device which shall take any part of the marketable coal from the amount thereof, before the same shall have been weighed and duly credited to the employes sending the same to the surface, unless otherwise agreed upon between miners and their employers. In case of any agreement where coal is credited to miners after having been screened and weighed, said miners or employes shall receive compensation for all marketable or saleable coal sent by them to the surface, and accounted for at the customary rate of weights; provided, that this section shall also apply to the class of workers in mines known as loaders engaged in mines where mining is done by machinery whenever the workers are under contract to load coal by bushel, ton or quantity.

Fraudulent Weighing of Coal Prohibited.

SEC. 2595. It shall be unlawful for any person, company or corporation having or using

scales for the purpose of weighing the output of any coal mine in this State, to so arrange or construct the same that fraudulent or incorrect weighing may be done thereby, or to resort to or employ any means by reason of which such coal as may be mined shall be incorrectly weighed and reported.

Penalty.

SEC. 2596. Any person, company or corporation, or agent or employe of any person, company or corporation, who shall violate any of the provisions of the two preceding sections, shall be fined not more than one hundred dollars, or imprisonment in the county jail not more than three months, or both.

CHAPTER 6

Session Laws 1903

Cut-Offs in Cross-Cuts in Coal Mines

Cut-Offs—Built How.

SEC. 1. It shall be the duty of every person, company or corporation, owning or operating coal mines, to shut off all unused cross-cuts between main entries and air courses with a tightly built wall of suitable rock; said wall may be built of waste rock from said mine, the face of such wall to be plastered with mud, or lime and sand; said wall to be kept at all times in perfect condition and repair.

Safety Cable to Man=Trips.

SEC. 2. It shall be the duty of every person, company or corporation, owning or operating coal mines, to provide a wire cable which shall, in all cases, and under all circumstances, be attached to the lead car on all trains of coal cars

going into a coal mine, and to the last car of coal cars coming out of a mine, which train of cars are commonly known as "man-trips"; and which said wire cable shall also be attached to the hoist cable in such way that, if any coupling of the cars on said "man-trips" should become broken or unfastened, the said wire cable, so attached to the hoist cable, would prevent the cars becoming uncoupled and running back into the mine. Any such train of cars, known as "man-trips", shall not be run at a greater speed than five miles an hour.

Penalty.

SEC. 3. Any person, company or corporation violating any of the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense.

State Mine Inspector—Duty.

SEC. 4. It shall be the duty of the State Mine Inspector to enforce the provisions of this act.

CHAPTER 106, SESSION LAWS OF WYOMING, 1909.

House Bill 118

Relative to Sprinkling of Dry and Dusty Places in Coal Mines.

AN ACT, to provide for the sprinkling with water of all dry and dusty places or parts of coal mines in the State of Wyoming and providing penalties for the violation thereof.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

Shall Sprinkle.

SEC. 1. The owner, lessee or agent or operator of any coal mine, whether shaft, slope or drift, shall sprinkle with water at least twice a week all dry and dusty places within said coal mines, and all accumulations of dust shall be loaded up and taken outside of the said mine at least once each month while such mine is in operation; Provided, That all accumulations of slack, machine slack, track cleanings and other waste materials incident to coal mining shall be considered as dust within the meaning of this act.

Amount of Fine.

SEC. 2. Any person, persons, or association of persons, or corporations or agent, operator, lessee or owner of any coal mine in this State who shall violate any of the provisions of this act shall upon conviction be fined in any sum not less than fifty dollars, nor more than one hundred dollars for each and every offense.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 27th, 1909.