

CHAPTER LXXXI.

[S. B. No. 68.]

VENTILATION OF COAL MINES.

AN ACT relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors.

Be it enacted by the Legislature of the State of Washington:

Duty of owner.

SECTION 1. The owner, agent, operator or manager of every coal mine in this state shall keep in the office at such mine an accurate plan and section or tracing thereof, on a scale not to exceed one hundred (100) feet to the inch, showing the workings up to at least six (6) months prior to any given date, and shall produce it to the inspector of mines for examination by him, but not for the purpose of copying the same, nor for any other purpose, and if requested by said inspector so to do shall mark on the same the workings up to the time of the production of the same. Within three (3) months next after the abandonment of any mine a plan and section or tracing thereof, showing the boundaries of the workings, is to be sent by the owner, operator or superintendent of such mine to the secretary of state as a mining record. The map or plan of such abandoned mines as aforesaid shall be the property of the state and shall remain in the care of the secretary of state as a permanent record in his office.

Liability for neglect.

SEC. 2. Whenever the owner, agent or operator of any coal mine shall neglect or refuse to furnish the said inspector with the map or plan of any such mine, or make the addition to such map or plan upon the demand of the mine inspector, as provided in section one (1) of this act, at the times and in the manner therein provided, the said inspector is hereby authorized to cause an accurate map or plan of the workings of such coal mine to be made at the expense of said owner, agent or operator, and the cost thereof may be recovered by law from said owner, agent or operator in the same manner as other debts, by suit in the name of the state, brought in the county where said mine is situated.

Openings required.

SEC. 3. It shall not be lawful for the owner, agent or operator of any coal mine to employ any person to work within said coal mine, or to permit any person to work in

said mine, unless they are in communication with at least two (2) openings in case such mine be worked by shaft or slope, which openings, shafts or slopes shall be separated by natural strata by a distance of not less than one hundred (100) feet at the mouth of such openings, except that in mines already opened such distance may be less, if, in the judgment of the mine inspector, one hundred (100) feet is impracticable. If the mine be worked by drift two (2) openings not less than one hundred (100) feet apart shall be required, except in drift mines heretofore opened, where the mine inspector shall deem such distance impracticable: *Provided, however,* That an aggregate number not exceeding twenty-four (24) 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 mine inspector shall cause to be made without unnecessary delay, and in case of furnace ventilation being used before the second opening is completed, the furnace shall not be placed within forty (40) feet of the foot of the shaft, slope or drift, and shall be well secured so as not to be a source of danger by fire, by brick, stone, or walls made of other fire proof material of sufficient thickness, while such second opening is being driven and until the same is completed.

SEC. 4. All escapement shafts shall be equipped with stairways or ladders having landing places or platforms at reasonable distances apart, as in the judgment of the mine inspector they should be constructed for easy traveling, or, in lieu thereof, such hoisting apparatus as will enable the employes in the mine to make safe and speedy exit in case of danger. The escapement shaft and machinery used for hoisting or lowering employes out of or into said mine shall be kept in a safe condition and inspected at least once in each twenty-four (24) hours by a competent person employed in whole or in part for that purpose.

Stairways or
ladders re-
quired.

SEC. 5. This state shall be divided into two (2) inspection districts. The first inspection district shall be comprised of the following counties, to wit: Whatcom, San Juan, Skagit, Island, Snohomish, King, Okanogan, Kittitas, Douglas, Stevens, Lincoln, Spokane, Adams and Whit-

Inspection dis-
tricts.

man. The second inspection district shall be comprised of the following counties, to wit: Clallam, Jefferson, Kitsap, Chehalis, Mason, Thurston, Pacific, Wahkiakum, Pierce, Lewis, Cowlitz, Skamania, Clarke, Yakima, Klickitat, Franklin, Walla Walla, Columbia, Garfield and Asotin. The governor shall, upon the recommendation of a board, to be by him selected and appointed for the purpose of examining candidates for appointment to the office of mine inspector under the provisions of this act, appoint two properly qualified persons to fill the office of inspectors of coal mines of this state (being one inspector for each district provided for in this act.) whose commissions shall be for the term of four (4) years, and they shall at all times be subject to removal from office for neglect of duty or malfeasance in the discharge of duty, as hereinafter provided for; said board shall be composed of three (3) practical coal miners, three (3) competent coal operators and one mining engineer, all of whom shall be sworn to a faithful discharge of their duties. The said inspectors shall be citizens of the state and shall have had at least two (2) years, practical experience in mining in the Territory and State of Washington, and shall have resided within the inspection district for which he is appointed at least one (1) year prior to his appointment as such inspector. Such person or persons so appointed as inspectors shall devote their entire time to the duties of such office, shall not be interested either as owner, operator, stockholder, superintendent, manager or mining engineer of any coal mine or mining corporation within the state, during his term of office, and shall be of good moral character and temperate habits, and shall not commit any act whatsoever tending to the injury of miners or operators of mines during his term of office: *Provided*, That no inspector shall be appointed whose term of office shall begin prior to the first Monday in February, 1892. Each of such inspectors shall be provided by the state with the most approved modern instruments necessary for the proper performance of his duties and the carrying out of the intention of this act. Said instruments and appliances to remain the property of the state, and be turned over by the said mine inspectors to

Duties of inspectors.

their successors in office. Each of such inspectors, before assuming the duties of his office, shall give bond in the sum of five thousand (\$5,000) dollars with sureties to be approved by a judge of a superior court of the county in which he resides, conditioned for the faithful discharge of his duty, and take an oath (or affirmation) to discharge his duties impartially and with fidelity, to the best of his knowledge and ability. The salary of each of such inspectors shall be fifteen hundred (1,500) dollars per annum, and he shall have in addition thereto his actual mileage paid out for traveling while in the performance of his duties under the provisions of this act, and the auditor of the state is hereby authorized and directed to draw his warrant on the state treasurer in favor of such inspectors for the amount due them for their salary and expenses quarterly, to be paid out of any moneys in the treasury not otherwise appropriated. Each of such inspectors shall devote the whole of his time to the duties of his office, and it shall be his duty to examine each and every mine in his district not less than once in every three (3) months, and as much oftener as is necessary to see that all of the provisions of this act are fully carried out and complied with, and he shall make record of all examinations of mines, showing the condition in which he finds them, and especially in reference to ventilation and drainage, also the number of mines in his district, the number of persons employed in each mine, the progress made in improvements sought to be secured by the passage of this act, the number of accidents and deaths resulting from injuries received in or about the mines with the causes of such accidents or deaths, which record, completed up to the thirty-first (31) day of December of each and every year, shall on or before the first day of February next following be filed in the office of the secretary of state, to be by him filed and preserved as a record in his office and included in his annual report to the governor: *Provided*, That two thousand (2,000) copies of the reports of each of said mine inspectors shall be published biennially by the state in pamphlet form for free distribution.

Bond of inspectors.

Record of examinations.

Annual report.

SEC. 6. The board of examiners provided for in section

five (5) of this act shall be appointed by the governor, and shall hold their offices for two (2) years. They shall meet biennially at the state capital on the second Tuesday in January, and special meetings may be called at any time by the governor when the office of coal mine inspector becomes from any cause vacant. They shall receive as compensation the sum of five (\$5) dollars per day and mileage actually paid out each for the time actually employed in the duties of their office: *Provided*, That in no case shall the per diem received by any member of said board exceed the sum of fifty (\$50) dollars per annum, and the auditor of the state is hereby authorized and directed to draw his warrant on the state treasurer in favor of each member of the board of examiners at the close of each regular and special session for the full amount due them for time and expenses, the same to be paid out of any moneys in the state treasury not otherwise appropriated.

Meetings of examiners.

Compensation.

SEC. 7. Upon a petition signed by not less than ten reputable citizens who shall be miners, mine owners or lessees of mines, to the superior court of any county in the proper district, with the affidavit of one or more of said petitioners attached, setting forth that any inspector of mines neglects his duty or is incompetent, or that he is guilty of a malfeasance in office or any act tending to the injury of miners or operators of mines, the judge of such superior court shall issue a citation in the name of the state to the said inspector to appear on not less than fifteen (15) days' notice, upon a day fixed before said court, at which time the court shall proceed to inquire into and investigate the allegations of the petitioners. If the court find that said inspector is neglectful of his duties or that he is guilty of malfeasance in office the court shall certify the same to the governor, who shall declare the office of said inspector vacant and proceed in compliance with the provisions of this act to supply the vacancy. The costs of said investigation shall, if the charges are sustained, be imposed upon the inspector, but if the charges are not sustained they shall be imposed upon the petitioners, and the payment of such costs shall be enforced by the proper action brought in the name of and on behalf of the state by the prose-

Penalty for neglect by inspector.

Costs of investigation.

cuting attorney of the county wherein such investigation is had.

SEC. 8. It shall be lawful for the inspectors provided for in this act to enter into and examine and inspect any and all coal mines and machinery belonging thereto within their respective districts at all reasonable times either by day or night; but they shall not hinder or obstruct the necessary workings of such coal mines, and the owner, agent or operator of every such coal mine is hereby required to furnish all necessary facilities for the entering and making of such examination and inspection, and if the said owner, agent or operator shall refuse to permit such inspection the inspector shall file his affidavit setting forth such refusal with the judge of the superior court of the county in which said mine is situated, and obtain an order from such judge commanding such owner, agent, or operator so refusing, as aforesaid, to permit such examination and inspection and furnish such necessary facilities for the examination and inspection of such coal mine, or in default thereof to be adjudged as in contempt of court and punished accordingly; and if the said inspector shall, after examination of any coal mine and the works and machinery pertaining thereto, find the same to be worked contrary to the provisions of this act, or unsafe for the workmen therein employed, said inspector shall, through the prosecuting attorney of the county in which said mine is located, or any attorney in case of the refusal of such prosecuting attorney to so act, in the name and on behalf of the state proceed against the owner, agent or operator of such coal mine by injunction without bond after giving at least two days' notice to such owner, agent or operator, and said owner, agent or operator shall have the right to appear before the judge to whom the application is made, who shall hear the same on affidavits and such other testimony as may be offered in support as well as in opposition thereto; and if sufficient cause appear the court or judge, in term time or in vacation, by order shall prohibit the further working of any portion or portions of any such coal mine in which persons may be unsafely employed, and the further use of such unsafe machinery, contrary to the provis-

Duty of mine owner or agent.

Duties of courts and officers.

ions of this act until the same shall have been made safe and the requirements of this act shall have been complied with, and the court shall award such costs in the matter of said injunction as may be just, but any such proceedings so commenced shall not prejudice any other remedy permitted by law for enforcing the provisions of this act.

Circulating air
required.

SEC. 9. The owner, agent or operator of every coal mine, whether operated by shaft, slope or drifts, shall provide and maintain in every coal mine a good and sufficient amount of ventilation for such persons as may be employed therein, the amount of air in circulation to be in no case less than one hundred (100) cubic feet for each person per minute, measured at the foot of the down cast, the same to be increased at the discretion of the inspector according to the character and extent of the workings or the amount of powder used in blasting, and said volume of air shall be forced and circulated to the face of every working place throughout the mine, so that said mine shall be free from standing powder smoke and gases of every kind. In all mines where fire damp is generated every working place, when the same is known or thought to exist, shall be examined every morning with a safety lamp by a competent person, and a workman shall not enter the mine until the said mine or part thereof and his working place are reported to be safe. The person who makes such examination shall establish proof of the same by marking plainly the date thereof at the face of each working place. Whenever the inspector shall find men working without sufficient air or under any unsafe conditions he shall at once notify the superintendent of the mine, or in his absence the person immediately in charge thereof, in writing of the facts, and such superintendent or person in charge shall at once remove such men from such places where such conditions exist. At the expiration of one (1) year from and after the passage of this act, it shall not be lawful to use a furnace for the purpose of ventilating any coal mine in this state.

Condition of
mine.

Prohibition as
to furnace for
ventilation.

Protection from
caving.

SEC. 10. The owner, agent or operator of any coal mine shall keep a sufficient supply of timber at any such mine where the same is required for use as props, so that the

workmen may at all times be able to properly secure the said workings from caving in, and it shall be the duty of the owner, agent or operator to send down into the mine all such props when required, the same to be delivered at the entrance of the working place.

SEC. 11. At all mines where coal is hoisted by steam power from shaft or slope, having no other means of ingress or egress than that afforded to persons therein by such hoisting apparatus by way of such shaft or slope, there shall be provided within ninety (90) days next after the first day of May, A. D. 1891, a steam pump or other power, conveniently situated, and a sufficient supply of water and hose always ready for use in any part of the buildings, chutes or constructions within a radius of fifty (50) feet of said coal hoisting shaft or slope; and if the person in charge of such coal shaft or slope shall refuse or neglect to comply with the provisions of this act, then the inspector of coal mines for the district in which the said shaft or slope is situated shall proceed, through the prosecuting attorney in the county in which said shaft or slope is situated, or any attorney in case of the refusal of the prosecuting attorney to so act, in the name and on behalf of the state against the owner, agent or operator of said shaft or slope by injunction without bond, after giving at least two (2) day's notice to such owner, agent or operator, and the said owner, agent or operator shall have the right to appear before the judge to whom the application is made, who shall hear the same on affidavits and such other testimony as may be offered in support as well as in opposition thereto, and if it be found that the owner, agent or operator of said shaft or slope has refused or neglected to comply with the provisions of this act, the court or judge, in term time or in vacation, by order shall prohibit the further working of any such coal shaft or slope until the owner, agent or operator shall have complied with the provisions of this act.

Steam pump and hose.

Proceedings in case of neglect.

SEC. 12. No boy under the age of fourteen (14) years, and no female of any age, shall be employed or permitted to be in any mine for the purpose of employment therein, nor shall a boy under the age of twelve (12) years be em-

Age limit of employes.

ployed or permitted to be in or about the outside structures or workings of a colliery for the purpose of employment: *Provided, however,* That this prohibition shall not affect the employment of a boy of suitable age in an office or in the performance of clerical work at a colliery. When an employer is in doubt as to the age of any boy applying for employment in or about a mine or colliery, he shall demand and receive proof of the age of such boy by certificate from the parents or guardian of such boy before he shall be employed.

Stretchers for injured employes.

SEC. 13. It shall be the duty of the owner, superintendent or operator of any coal mine to keep at the mouth of the drift, shaft or slope, or at such other place as may be designated by the mine inspector, stretchers properly constructed for the purpose of carrying away any miner or employé working in or about such mine who may in any way be injured in or about his employment.

Bore holes.

SEC. 14. The owner, agent or operator of any coal mine shall provide that bore holes shall be kept twenty feet (20) in advance of the face of each and every working place, and if necessary on both sides when driving towards an abandoned mine or part of a mine suspected of containing inflammable gases or being inundated with water.

Proceedings in case of accident.

SEC. 15. 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 the person having charge of such mine or colliery to give notice thereof forthwith to the inspector of the district, 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 mine inspector shall be allowed to testify and offer such testimony as he may deem necessary to thoroughly inform the said inquest of the cause of the death, and the said inspector shall have authority at any time to appear before such coroner and jury and question or cross question any witness, and in choosing a jury for the purpose of holding such inquest, it shall be the duty of the coroner to empanel a jury, no one of whom shall be directly or indirectly interested. It

shall be the duty of the 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 power to compel the attendance of persons to testify and 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 inquests held by coroners or justices of the peace are paid.

SEC. 16. The owner, agent or operator of every coal mine operated by shaft or slope shall provide suitable means of signaling between the bottom and top thereof, subject to the approval of the mine inspector, and shall also provide safe means of hoisting and lowering persons in a cage covered with boiler iron, so as to keep safe as far as possible persons descending into or ascending out of such shaft, and such cage shall be furnished with guides to conduct it through such shaft with a sufficient break [brake] on every drum to prevent accident in case of the giving out or breaking of the machinery, and such cage shall be furnished with safety catches (to be approved by the mine inspector), intended and provided as far as possible to prevent the consequences of cable breaking or the loosening or disconnecting of the machinery, and no props or rails shall be lowered in a cage while men are descending into or ascending out of said mine: *Provided*, That the provisions relating to covering cages with boiler iron shall not apply to coal mines less than one hundred (100) feet in depth. Signals.

SEC. 17. All main doors in any coal mine shall be so placed that whenever one door is open another which has the same effect upon the same current of air shall be and remain closed, and thus prevent any temporary stoppage of the current. Doors.

SEC. 18. All boilers used in generating steam in and about coal mines shall be kept in good order, and the Safety of
boilers.
Sig. 11.

owner, agent or operator, as aforesaid, shall have said boilers examined and inspected by a competent person as often as once every six (6) months, and the result of such examination shall be certified in writing to the mine inspector, and every steam boiler shall be provided with a steam gauge, water gauge and safety valves. All underground self-acting or engine planes on which coal cars are drawn and persons travel shall be provided with some proper means of signaling between the stopping places and the end of said planes, and sufficient places of refuge shall be provided at the sides of said planes, the same to be not more than sixty (60) feet apart and to extend six (6) feet at right angles from the rail: *Provided, however,* That such places of refuge shall not be required in mines where a separate traveling road is provided for employes.

Sobriety, capability and age of operatives.

SEC. 19. No owner, agent or operator of any coal mine operated by shaft or slope shall place in charge of any engine whereby men are lowered into or hoisted from the mine any other than competent, experienced and sober engineers and firemen, and they shall be not less than eighteen (18) years of age. No person shall ride upon a loaded cage or car used for hoisting purposes in any shaft or slope, and in no case shall more than twelve (12) persons ride on any cage or car at one time in any such shaft. Nor shall more than five (5) persons for each and every ton's capacity of the hoisting apparatus ride in any cage or car at any one time in any such slope, excepting in the case of persons employed as rope riders or couplers, nor shall any coal be hoisted out of any coal mine while persons are descending into such mine, notice of which shall be kept posted at said mines. The number of persons permitted to ascend out of or descend into any coal mine at one time shall be determined by the inspector, and such persons shall not be lowered or hoisted more rapidly than six hundred (600) feet per minute. Whenever a cage load of persons shall come to the bottom to be hoisted out, who have finished their day's work or otherwise been prevented from working, an empty cage shall be given them to ascend, except in mines having slopes or provided with stairways in escapement shafts.

SEC. 20. All owners or operators of coal mines within the state shall keep posted in a conspicuous place about their mines printed rules, submitted to and approved by the district mining inspector, regulating the duties of persons employed in or about said mines or collieries. Rules must be posted.

SEC. 21. Any miner, workman or other person who shall knowingly injure any water gauge, barometer, air course or brattice, or shall obstruct or throw open any air ways, or carry any lighted lamp or matches into places that are worked by the light of safety lamps, or shall handle or disturb any part of the machinery of the hoisting engine or open a door in the mine and not have the same closed again, whereby danger is produced, either to the mine or those that work therein, or who shall enter into any part of the mine against caution, or who shall interfere with or intimidate, or attempt to interfere with or intimidate, any engineer, fireman or other employé employed in or about such mine, in the discharge of his duty or performance of his labor, or who shall disobey any order given in pursuance of this act, or violate any of the rules established by this act, or who shall do any willful act whereby the lives and health of persons working in the mine, or the security of the mine or mines or the machinery thereof is endangered, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two hundred (\$200) dollars nor less than fifty (\$50) dollars, or by imprisonment in the county jail for a term not exceeding six (6) months nor less than three (3) months, or by both such fine and imprisonment, in the discretion of the court. Offense defined.

SEC. 22. Any person violating any of the provisions of this act other than those mentioned in section twenty-one (21) of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than five hundred (\$500) dollars nor less than two hundred (\$200) dollars. Penalty.

Approved March 5, 1891.