

by order shall direct. Each of such judges may try court or jury cases separately during the same term and at the same time.

Sec. 6. UNIFORM RULES OF PROCEDURE.) The Supreme Court shall, in the exercise of its supervisory control over district courts, adopt uniform rules of procedure for all of the district courts in each of the several judicial districts within the state.

Sec. 7. CHANGE OF VENUE.) Change of venue may be taken from one judge to another in the same district, or in another district, or from one county to another, or from one district to another, as is now or may hereafter be provided for by law.

Sec. 8. APPOINTMENT OF JUDGES.) The Governor of the State of North Dakota shall, within thirty days after this law goes into effect, appoint one district judge for the first judicial district; one district judge for the third judicial district; and one district judge for the sixth judicial district, each of whom shall hold his office until the next general election and until his successor is duly elected and qualified.

Sec. 9. SALARIES OF JUDGES. HOW PAID.) The District Judges shall each receive an annual salary of Four Thousand Dollars and his actual traveling expenses which shall include subsistence while holding court inside his own district but outside the county in which he resides, which salary and expenses shall be payable monthly in the manner now provided by law for the payment of judges' salaries.

Sec. 10. REPEAL.) All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 3, 1919.

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## LABOR LAWS

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### CHAPTER 168.

(H. B. No. 55—Malone.)

#### INSPECTION OF COAL MINES.

An Act to Regulate the Operation of all Coal Mines in the State of North Dakota; to Provide for Their Inspection; to Create the Office of Coal Mining Inspector; to Fix His Qualifications, Duties, Powers and Compensation; to Provide for His Appointment; to Create a Board of Examiners; to Fix its Powers and Compensation; to Provide the Method of Appointment Thereto; to Provide for the Registry, Examination, and Issuing of Certificates to Certain Employees of Coal Mines and to Provide for an Appropriation Therefor.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. This Act shall be known as the Coal Mining Code of the State of North Dakota.

Sec. 2. THERE IS HEREBY CREATED THE OFFICE OF STATE COAL

MINE INSPECTOR.) The Governor by and with the advice and consent of the Senate, shall appoint one State Coal Mine Inspector, qualified as hereinafter provided, who shall hold office for a term of two years from the date of appointment, unless otherwise removed by the Governor.

Sec. 3. No person shall be eligible to the office of State Coal Mine Inspector unless he shall possess the following qualifications. He shall be a citizen of the United States and shall have been actually employed at coal mining for a period of five years prior to his appointment and shall possess a competent knowledge of all the different systems of coal mining and working and properly ventilating coal mines and the nature and constituent parts of noxious and explosive gases of coal mines and the various ways of expelling the same from the said mines.

Sec. 4. The salary of the Coal Mine Inspector shall be Twenty-five Hundred Dollars per annum and all necessary and traveling expenses. The said State Coal Mine Inspector shall file with the State Treasurer a bond, approved by the Governor of the State in the sum of Five Thousand Dollars for the faithful performance of his duties; provided, further, that the State Coal Mine Inspector shall be provided with a suitable office in the State Capitol Building at Bismarek. He shall have power and authority to employ all necessary clerical help for the purpose of carrying out the provisions of this Act and to fix the compensation of such help, providing that the same shall not exceed the sum of Twelve Hundred (\$1,200.00) Dollars per annum.

Sec. 5. The State Coal Mine Inspector shall have the right, and it is hereby made his duty, to enter, inspect and examine any coal mine or any shaft, drift or slope in the process of sinking for the purpose of mining coal in this State, and the workings and the machinery belonging thereto, at all reasonable times, either by day or night. He shall also have the right and it is his duty to make inquiry into the condition of such mine, workings, machinery, scales, ventilation, drainage, method of lighting or using lights, and into all methods and things connected with or relating to, as well as to make suggestions providing for the health and safety of persons employed in or about the same, and especially to make inquiry whether or not the provisions of the laws providing for the regulation of the coal mines, or other Acts which may hereinafter be enacted governing coal mines, have been complied with. The owner, operator or superintendent of such coal mine is hereby required to furnish the means necessary for such entry, inspection, examination, inquiry and exit. It shall also be the duty of the said Coal Mine Inspector to carefully examine all the coal mines in operation in this State annually, and all mines having an annual output of 1,200 tons or more at least every six months, and oftener if necessary to see that every precaution is taken to insure the

safety of all the working men that may be engaged in such coal mine. The said Inspector shall make a record of the visit, noting the time and the material circumstances of the inspection. At the time of making inspection, in the event of the Inspector having in his possession any complaint in writing to the effect that the mining code is being violated, he shall notify the employes that he is about to make such inspection, and if the employes, in some proper manner, select one of their number to accompany the Inspector on such inspection, he shall permit such employe to so accompany him. In the event of no such selection being made the Inspector may, if he so desires, request some employe to accompany him. The owner or operator shall at all times have the right to personally accompany the Inspector while inspecting his property, or to designate someone to so accompany him.

Sec. 6. INSPECTOR MUST NOT BE EMPLOYED BY COMPANIES.) The said State Coal Mine Inspector while in office shall not act as agent for any corporation, superintendent or manager of any mines, and shall in no manner whatever be under the employ of mining companies, nor shall he be interested in any coal mining operation either as owner, lessee or otherwise. It shall be the duty of the State Coal Mine Inspector on or before the first day of January of every year to make a report to the Governor of his proceedings as such State Coal Mine Inspector and the conditions of each and every coal mine in the State, stating therein all accidents that have happened in or about said mine or mines, and to set forth in said report all such suggestions as he may deem important as to any further legislation on the subject of coal mines.

Sec. 7. INSTRUMENTS TO BE FURNISHED TO INSPECTOR.) For the more efficient discharge of the duties herein imposed upon him, the State Coal Mine Inspector, shall be furnished at the expense of the State with an anemometer and whatever other instruments or other appliances may be necessary in order to carry into effect the provisions of the Acts regulating coal mines.

Sec. 8. INSPECTOR TO POST STATEMENT OF MINE AT ENTRANCE.) The State Coal Mine Inspector shall post up in some conspicuous place at the top of each mine visited and inspected by him, a plain statement of the conditions of such mine, showing what in his judgment is necessary for the better protection of the lives and health of persons employed in such mine; such statement shall give the date of inspection and be signed by the said Inspector. He shall also post a notice at the landing used by the men, stating what number of men may be permitted to ride on the cage, car or cars at one time, and at what rate of speed men may be hoisted and lowered on the cage, car or cars in accordance as hereinafter provided for in this Act. He must observe, especially that the code of signals provided in the Act regulating coal mines between engineer and top men and bottom

men, is conspicuously posted for the information of all employes.

Sec. 9. TEMPORARY VACANCY IN OFFICE. HOW FILLED.) In case the State Coal Mine Inspector becomes incapacitated and cannot perform the duties of his office for a longer period than two weeks, it shall be the duty of the Governor to deputize some competent person having the qualifications provided in this Act to fulfill the duties of the said Inspector until the said Inspector shall return to the performance of his official duties, and the person deputized by the Governor shall be paid by the State out of any moneys in the general fund of the State not otherwise appropriated, for the services rendered at the same rate as received by the State Coal Mine Inspector.

In case of the death, resignation, or removal from office of the State Coal Mine Inspector before the expiration of the term of office, the Governor shall appoint a duly qualified person as provided in this Act, to fill the vacancy for the unexpired term.

Sec. 10. INSPECTOR EX-OFFICIO SEALER OF WEIGHTS AND MEASURES.) The State Coal Mine Inspector is hereby made, equally with the State Inspector of Weights and Measures, ex-officio sealer of weights and measures, insofar as the same relates to coal mines and coal mining, and as such is empowered to test and compare all weights and measures used in weighing and measuring coal at any coal mine, or used in measuring air passages or other openings in coal mines, with the standards of weights and measures kept by the State Inspector of Weights and Measures. Upon the written request of any coal mine owner or operator or ten coal miners employed at any one mine, it shall be his duty to test and prove any scale or scales at such mine against which complaint is directed. In the event that any test made by said Coal Mine Inspector shall conflict with any test made by any States Sealer of Weights and Measures, then the test by said State Coal Mine Inspector shall prevail.

Sec. 11. STANDARD TEST WEIGHTS TO BE FURNISHED TO INSPECTOR.) For the purpose of carrying out the provisions of this Act, the State Coal Mine Inspector shall be furnished by the State with such sets of standard weights suitable for testing the accuracy of track scales, and all smaller scales at mines, as may in the judgment of the State Coal Mine Inspector be necessary; said test weights shall remain in the custody of the State Coal Mine Inspector for use at any point within the State, and for any amounts expended by him for the storage, transportation or the handling of the same, he shall be fully reimbursed upon making proper entry of the proper items in his expense voucher.

Sec. 12. REFUSAL OF MINE OPERATORS TO FURNISH FACILITIES FOR EXAMINATION.) If any owner, lessor or operator shall refuse to permit such inspection or to furnish the necessary facilities for making such examination and inspection, the Inspector shall file his affidavit setting forth his refusal with the Judge of the



District Court in said County in which said mine is situated, either in termtime or vacation, and the said Judge shall thereupon issue an order on such owner, operator or agent so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly.

Sec. 13. INVESTIGATION OF CHARGES FOR NEGLECT OF DUTY.) Whenever a petition signed by fifty or more reputable citizens, legal residents of the State, verified by oath by two or more of the said petitioners and accompanied by a bond in the sum of five hundred dollars, running to the State, executed by two or more free-holders, approved and accepted by the Clerk of the District Court of the County or Counties of their residence, conditional for the payment of all costs and expenses arising from the investigation of the charges is filed with the Clerk of the District Court setting forth that the State Inspector of Mines neglects his duties or is incompetent, or is guilty of malfeasance or misfeasance in office, it shall be the duty of the District Court of the County to issue a citation in the name of the State to the said Inspector, to appear, at not less than five days' notice, on a day fixed, before said Court, and the Court shall then proceed to inquire into and investigate the allegations of the petitioners; and take the testimony of all the witnesses; such action shall be prosecuted by the States Attorney.

Sec. 14. PENALTIES FOR VIOLATION OF DUTY.) If the Court finds that said State Coal Mine Inspector is neglectful of his duties or incompetent to perform the duties of his office, or that he is guilty of malfeasance or misfeasance in office, the Court shall certify the same to the Governor, together with the testimony taken thereon, who shall, if he finds the charges sufficient and the officer guilty thereof, declare the office of said State Coal Mine Inspector vacant, and proceed in compliance with the provisions of this Act to fill the vacancy and the costs of such investigation shall, if the charges are sustained, be imposed upon the said State Coal Mine Inspector.

Sec. 15. VACANCY IN INSPECTORSHIP. HOW FILLED.) As often as vacancies occur in the office of State Coal Mine Inspector, caused either by death, resignation, removal for malfeasance or misfeasance as provided for in Section 14 of this Act, or as otherwise determined as with other officers of the State, the Governor shall fill the same by appointment for the unexpired term by selecting a person whose qualifications meet the requirements.

Sec. 16. BOARD FOR EXAMINATION OF APPLICANTS FOR POSITION OF MINE FOREMAN, ETC.) On petition of the State Coal Mine Inspector a judge of the District Court of any County where coal is mined shall appoint an examining board of three persons, consisting of the State Coal Mine Inspector and two

practical miners to be known as the County Examining Board. The members of said Examining Board shall be citizens of the United States and legal residents of the State of North Dakota and shall hold office for a term of two years or until their successors have been appointed and qualified. The persons so appointed shall, after being duly organized as a board, take and subscribe before an officer authorized to administer the same the following oath, namely:

We, the undersigned, do solemnly swear or affirm that we will perform the duties of examiners of applicants for the position of mine foreman or mine examiner for the coal mines of North Dakota to the best of our abilities, and that in certifying or rejecting said applicants we will be governed by the evidence of the qualifications to fill the positions under the law creating the same, and not by any consideration of personal favors; that we will certify all whom we find qualified and none other.

Sec. 17. SCOPE OF EXAMINATION.) The examination shall consist of oral and written questions on theoretical and practical mining, on the nature and properties of noxious and poisonous gases found in the mines, and on the different systems of working and ventilating coal mines. During the process of examination the use of such text books as the Board shall approve may be allowed the applicants during the examination, and the Board shall issue to those examined, and found to possess requisite qualifications, certificates of competency for the position of mine foreman or mine examiner, but such certificates shall be granted only to persons 23 years of age, or over, of good moral character, citizens of the United States and residents of the State of North Dakota and with at least five years' practical experience in the working of coal mines and two years in North Dakota. All papers and blanks, blank books and stationery used at examination to be furnished by the Board of County Commissioners of the said County and each candidate for examination shall be given such questions as are required, in writing, and each question shall be on a separate paper.

Candidates must return such papers to the Board, with answers to questions thereon, attested by his signature. All question papers and answers shall be filed in the office of the Clerk of the District Court, in and for the County where examinations are held and kept by him in some secure place subject to examination at any time. Candidates for examination may be required to go before any Examining Board in other than the County in which he resides by the direction of the State Coal Mine Inspector.

Sec. 18. CERTIFICATES AS MINE FOREMAN.) Certificates of qualifications to mine foremen in the coal mines of North Dakota shall be granted by the Board of Examiners herein provided for, to each applicant who shall have passed a successful examination showing his knowledge of mine workings, ventilation, gases,

blackdamp and his actual experience in underground coal mining. The certificates shall be in a manner and form as shall be prescribed by the State Coal Mine Inspector who shall keep a record in his department of all such certificates granted. Each certificate shall show the full name, age, and birthplace of applicant and also the length or nature of his previous service in the coal mines.

Sec. 19. QUALIFICATIONS FOR MINE EXAMINERS.) Persons seeking certificates of competency as Mine Examiner must produce evidence satisfactory to the Board that they are residents of the United States and residents of the State of North Dakota, have had at least five years' practical experience in working of coal mines, two years of which have been in the State of North Dakota, at least 23 years of age and of good repute and temperate habits. They must prepare to submit and satisfactorily pass an examination as to their experience in mines generating dangerous and explosive gases, their practical and technical knowledge of the nature and properties of blackdamp, and the laws of ventilation and the structure and use of safety devices.

Sec. 20. EXAMINING BOARD SHALL GRANT CERTIFICATES.) The said Board of Examiners shall meet at the call of the State Coal Mine Inspector, who shall call them to meet during the months of September and March of each year, and shall grant certificates to all persons whose examination shall disclose their fitness for the duties of such mine foreman as above classified or mine examiner and such certificate shall be sufficient evidence of the holder's competency for the duties of said position so far as relates to the purpose of this Act; provided, that any person who shall have been employed as Mine Foreman continually for a term of one year preceding the approval of this Act, by the same firm, person or corporation, shall be granted a certificate without undergoing such examination, but shall not be employed by any other persons, firm or corporation without having successfully undergone such examination. No person shall be certified as competent whose average percentage shall be less than seventy-five (75) per centum on his entire examination, and such certificate shall designate the position qualified for and shall be valid only when signed by a majority of the Examining Board.

Sec. 21. CERTIFICATES MAY BE ISSUED TO THOSE HOLDING PROPER CERTIFICATES.) The Board may exercise its discretion in issuing certificates of any class, without examination, to persons presenting with proper credentials, certificates for the same or a similar position issued by competent authorities in this or other States; provided, however, that for every such certificate issued, the Board shall charge a fee of five (\$5.00) dollars.

Sec. 22. APPLICATION FOR EXAMINATION. HOW MADE. FEES.) An applicant for examination for any certificate herein provided for, before being examined, shall register his name with the State

Coal Mine Inspector at Bismarek, North Dakota, and file with him the credentials required by this Act, to-wit: An affidavit as to all matters of fact establishing his rights to and qualifications for receiving the examination, and a certificate of good character and temperate habits signed by at least ten (10) of the citizens who know him best in the place in which he lives. Each candidate before receiving the examination shall pay to the State Coal Mine Inspector the sum of two (\$2.00) dollars as an examination fee, and those who pass the examination for which they are entered, before receiving their certificate, shall also pay to the State Coal Mine Inspector, the further sum of three (\$3.00) dollars each as a certificate fee. All such fees shall be duly accounted for by the State Coal Mine Inspector and turned into the State Treasurer at the close of the fiscal year.

Sec. 23. COMPENSATION OF EXAMINING BOARD.) The members of the Examining Board, except the State Coal Mine Inspector, shall receive as a compensation the sum of five (\$5.00) dollars each day for a term not exceeding two meetings of five days each in any year, and whatever sum is necessary to reimburse them for such traveling expenses as may be incurred in the discharge of their duties. All such salaries and expenses of the members of the Board shall be paid upon vouchers duly sworn to by each member of the said Board, and the State Auditor is hereby authorized to draw his warrant to the State Treasurer for the amount thus shown to be due, payable out of any money in the State Treasury not otherwise appropriated.

Sec. 24. VIOLATIONS.) Any person who acts in the capacity of mine foreman or mine examiner without a certificate of competency as provided for in this Act shall be deemed guilty of an offense against this Act; provided, however, the State Coal Mine Inspector shall have the power to grant permits to persons to perform the duty of mine foreman or mine examiner as provided for in this Act, who may be employed by any company, corporation, association, person or persons engaged in the operating of any coal mines in the State of North Dakota until such time as the person so employed has had an opportunity to be examined as to his competency by the Board of Examiners provided for in this Act, but no longer.

Every company, corporation, association, person or persons operating any coal mine or coal mines in the State of North Dakota who employs any uncertified mine foreman or mine examiner, except as provided for in this Act, shall be deemed guilty of an offense against this Act; provided, however, that in cases of emergency any competent man may be employed and act as a temporary mine foreman, examiner or fire boss until a certificate or permit can be obtained, not to exceed a period of thirty (30) days without violating this Act or incurring any of its penalties.



Sec. 25. PENALTY FOR VIOLATION.) Any certificate holding mine foreman or mine examiner found guilty of violating any rule or provision of any Act contained herein may have his certificate revoked for a period of two (2) years by order of the State Coal Mine Inspector.

Sec. 26. NECESSARY TO HAVE MAPS OF COAL MINES.) Every operator of every coal mine in this State shall make or cause to be made an accurate map or plan of such mine, drawn to a scale of not less than one inch to two hundred feet, and as much larger as practicable, on which shall appear the name of the State, County and Township in which the mine is located, the designation of the mine, the name of the company or owner, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point and the scale to which the drawing is made.

Sec. 27. UNDERGROUND SURVEY.) For the underground workings, the said map shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous mine, all excavations, entries, rooms and crosscuts, the rise or dip of the seam from the bottom of the shaft, mouth of drift or slope in either direction to the face of the workings, the location of the fan or furnace, the location of the permanent pumps, hauling engines, engine planes and firewalls, the location of any standing water which might prove a menace to life or danger to property from flood, and the line of any contiguous surface outcrop of the seam.

Sec. 28. MAP FOR EVERY SEAM.) A separate and similar map, drawn to the same scale in all cases shall be made of each and every seam, which after the passage of this Act, shall be worked in any mine, and the maps of all such seams shall show all shafts, drifts, tunnels, incline planes or other passage ways connecting the same.

Sec. 29. MAP OF THE SURFACE.) Every such map or plan, or at the option of the operator a separate map, shall show the surface boundary lines contiguous to the workings and pertaining to each mine, also all section or quarter section lines and corners, town lots and streets, the tracks and side tracks of all railroads, the location of all wagon roads, rivers, streams, ponds, buildings, landmarks and principal objects on the surface within the said boundary lines, and in all cases if of a separate surface map, the same shall be drawn on transparent cloth or paper so that it can be laid upon the map of the underground workings and thus truly indicate the relative location of the lines and objects on the surface to the excavations of the mine.

Sec. 30. COPIES OF MAPS FOR STATE COAL MINE INSPECTOR.) The original or true copies of all such maps shall be kept in the office at the mine, and true copies thereof shall also be furnished to the State Coal Mine Inspector within thirty days after comple-

tion of the same. The maps so delivered to the Inspector shall be the property of the State and shall remain in the custody of the said Inspector during his term of office and be delivered by him to his successor in office. They shall be kept at the office of the Inspector and be open to inspection by all persons interested in the same, but such examination shall only be made in the presence of the Inspector and he shall not permit any copies of the same to be made without the written consent of the operator or owner of the property, under penalty of removal from office.

Sec. 31. ANNUAL SURVEYS.) An extension of the last preceding survey of every mine in active operation shall be made once in every twelve months, prior to July 1st of every year, and the result of said survey, with the date thereon, shall be promptly and accurately entered upon the original maps so as to show all changes in plain or new work in the mine and all extensions of the workings to the most advanced face or boundary of said workings which have been made since the preceding survey. The said changes and extensions shall be entered upon the copies of the maps in the hands of the State Coal Mine Inspector, or new copies thereof be furnished him within thirty days after the last survey is made. Whenever the operator of any mine shall neglect or refuse, or for any cause not satisfactory to the State Coal Mine Inspector fail, for a period of three months, to furnish to the said State Coal Mine Inspector the map or plan of such mine, or a copy thereof or of the extension thereto, as provided for in this Act, the said State Coal Mine Inspector is hereby authorized to make or cause to be made an accurate map or plan of such mine at the expense of the owner or lessee thereof, and the cost of the same may be recovered by law from said owner, lessee or operator in the same manner as other debts, by suit in the name of the State.

Sec. 32. ABANDONED MINES.) When any coal mine is worked out or is about to be abandoned or indefinitely closed, the operator of the same shall make or cause to be made a final survey of all available parts of such mine, and the results of the same shall be duly extended on all maps of the mine and copies thereof, so as to show all excavations, and the most advanced workings of the mine and their exact relations to the boundary or section lines on the surface.

The State Coal Mine Inspector may order a survey to be made of the workings of any mine which is about to be abandoned, or of which he has reason to believe the maps are inaccurate, whenever in his judgment the safety of the workmen, the support of the surface, the conservation of the property or the safety of an adjoining mine requires it. Such survey shall be paid for by the operator of the mine.

Sec. 33. MINE OPERATORS TO FURNISH WASH HOUSES FOR EMPLOYEES.) It shall be the duty of the owner, operator, or

superintendent of any coal mine in the State of North Dakota to provide a suitable building, not an engine or boiler house, for the use of the persons employed in such mine for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom. The said building shall not be over eight hundred feet from and convenient to the principal entrance of such mine. The said building shall be maintained in good order, be properly lighted and heated and supplied with pure cold water and warm water, and be provided with facilities for persons to wash and a suitable locker for each person to be used by him as a repository for his clothes.

Sec. 34. OATH OF WEIGHMAN; CHECK WEIGHMAN.) The Weighman employed at any mine shall subscribe to an oath of affirmation before some officer authorized to administer oaths, to do justice between employer and employe, and to truly and correctly weigh the output of coal from the mines as herein provided. The miners employed by or engaged in working for any mine owner, operator, lessee of any mine in this State shall have the privilege, if they desire, of employing at their own expense a check weighman who shall have like equal rights, powers and privileges in the weighing of coal as the regular weighman and be subject to the same oath and penalties as the regular weighman. Said oath or affirmation shall be kept conspicuously posted in the weight office and any weigher of coal or person so employed, who shall knowingly violate any of the provisions of this section, or any owner, operator or agent of any coal mine in this State who shall forbid or hinder miners employing or using a check weighmen as herein provided, or who shall prevent or wilfully obstruct any such check weighman in the discharge of his duty, shall be deemed guilty of an offense against this Act. Whenever the State Coal Mine Inspector, or his deputy, shall be satisfied that the provisions of this section have been wilfully violated it shall be his duty to forthwith inform the prosecuting attorney of any such violation, together with all the facts within his knowledge and the prosecuting attorney shall thereupon investigate the charges so preferred, and if he is satisfied that the provisions of this section have been violated, it shall be his duty to prosecute the persons guilty thereof.

Sec. 35. MUST NOT USE FALSE WEIGHTS.) Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines must not arrange or construct them so that fraudulent weighing may be done thereby, and must not knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this Act.

Sec. 36. GENERAL EQUIPMENT OF SHAFTS ) Every hoisting shaft must be equipped with safely constructed substantial cages fitted to guide rails running from the top to the bottom of the

shaft. Said cages must be furnished with suitable boiler iron covers to protect persons riding thereon from falling objects and with sheet iron or steel casings on each side, not less than one-eighth inch in thickness, or wire netting of not less than one-eighth inch in diameter. They must be equipped with safety catches, said safety apparatus, whether consisting of eccentrics, springs or other devices, must be securely fastened to each cage, and must be of sufficient strength to hold the cage, loaded, at any point in the shaft. Every cage must be fitted with iron bars, chains or rings in proper place and sufficient in number to furnish a secure hand hold for every person permitted to ride thereon. Gates not less than four feet high from the bottom of the cage shall be fitted to each cage and must be used during the regular hoisting or lowering of men; provided that when such cage is used for sinking only it need not be equipped with such doors as are hereinbefore provided for. At the top landing, cage supports, when necessary, must be carefully set and adjusted so as to act automatically and securely hold the cage when at rest.

Sec. 37. PASSAGEWAY AROUND THE BOTTOM OF SHAFTS.) At the bottom of every shaft and at every caging place therein a safe and commodious passageway must be cut around such landing place to serve as a travelway, by which men or animals may pass from one side of the shaft to the other without passing under or on the cage.

Sec. 38. GATES AT THE TOP OF SHAFT.) The upper and lower landings at the top of each shaft and the opening of each intermediate seam from or to the shaft, shall be kept free and clear from loose materials and shall be securely fenced with automatic or other gates, so as to prevent either men or materials from falling into this shaft.

Sec. 39. TWO PLACES OF EGRESS.) For every coal mine in this State, whether worked by shaft, slope or drift, there shall be provided and maintained in addition to the hoisting shaft, slope or drift or other place of delivery a separate escapement shaft, slope or drift, or opening to the surface, or an underground communication passageway between every such mine and some other contiguous mine, such as shall constitute two distinct and available means of egress to all persons employed in such coal mine. The time allowed for completing such escapement shaft or drift or making such connections with an adjacent mine, as is required by the terms of this Act, shall be three months for shafts, slopes or drifts two hundred feet or less in depth or length.

Sec. 40. UNLAWFUL TO EMPLOY MORE THAN TEN MEN.) It shall be unlawful to employ at any one time more men than in the judgment of the State Coal Mine Inspector is absolutely necessary for speedily completing the connections with the escapement shaft, slope or drift or adjacent mine and said number must



not exceed ten men at any one time for any purpose in said mine until such escapement connection is completed.

Sec. 41. PASSAGEWAYS TO ESCAPEMENT.) Such escapement shaft or opening, or communication with an adjacent mine aforesaid, shall be constructed in connection with every seam of coal worked in such mine, and all passageways communicating with the escapement shaft or place of exit, from the main hauling ways to said place of exit, shall be maintained free of obstructions, at least five feet wide and five feet in height. Such passageways must be so graded and drained that it will be impossible for water to accumulate in any depression or dip of the same, in quantities sufficient to obstruct the free and safe passage of men. At all points where the passageway to the escapement shaft or other place of exit is intersected by other roadways or entries, conspicuous signboards shall be placed indicating the direction it is necessary to take in order to reach such place of exit. Where pillars are being drawn on an entry outside of where other men are working, or where more than 50 per cent of the coal is taken out in rooms, connections for escapement shall be made with some adjoining entry to provide a safe exit for the men.

Sec. 42. DISTANCE OF ESCAPEMENT FROM MAIN SHAFT.) The distance between the main shaft and the escapement shall not be less than one hundred feet where steel headframes are used, nor less than three hundred feet where wooden headframes are used, provided, that where slopes or drifts are driven in or on the coal strata, the distance between the escapement road or travelway and the slope drift or hauling way shall not be less than fifty feet.

Sec. 43. BUILDINGS ON SURFACE.) It shall be unlawful to erect any inflammable structure or building in any space intervening between the main shaft, slope or drift and the escapement shaft, slope or drift on the surface, or any powder magazine in such location or manner as to jeopardize the free and safe exit of the men from the mine by said escapement shaft, slope or drift in case of fire in the main shaft, slope or drift buildings.

Sec. 44. STAIRWAY OR CAGES IN ESCAPEMENT SHAFT.) The escapement shaft at every mine which does not exceed one hundred feet in vertical depth shall be equipped with safe and ready means for the prompt removal of men from the mine in time of danger, and such means shall be a substantial stairway which shall be provided with handrails and with platforms or landings not more than ten feet apart. Where the escapement exceeds more than one hundred feet in vertical depth, in place of the stairway, it may be equipped with a cage for hoisting men, and such cage must be suspended between guides and be so constructed that falling objects cannot strike persons being hoisted upon it. Such cage must be operated by steam or electricity,

which power shall be kept available for immediate use at all times and equipment of said hoisting apparatus shall include a depth indicator, a brake on the drum, a steel or iron cable and safety catches on the cage; and all such hoisting machinery must be inspected at least once a week by some competent person representing the operating company or owner.

Sec. 45. OBSTRUCTIONS IN ESCAPEMENT SHAFT.) No accumulation of ice or obstruction of any kind shall be permitted in any escapement shaft, nor shall any steam be discharged into said shaft; and all surface or other water which flows therein shall be conducted by rings or otherwise, to receptacles for same so as to keep the stairway or cage free from falling water.

Sec. 46. WEEKLY INSPECTION OF ESCAPEMENTS.) All escapement shafts and passageways leading thereto or to the works of a contiguous mine must be carefully examined at least once a week by the mine foreman or by a man specially delegated by him for that purpose, and the date and findings of such inspection must be entered in a record book in the office at the mine. If obstructions are found, their location and nature must be stated, together with the date on which they were removed.

Sec. 47. COMMUNICATION WITH ADJACENT MINES.) When operators of adjacent mines have by agreement established underground communication between said mines as an escapement outlet for the men employed in both mines, the roadways to the boundary on either side shall be regularly patrolled once each week and kept clear of all obstructions to travel by respective operators, and the intervening door shall remain unlocked and ready at all times for immediate use. When such communication has once been established between adjacent mines, it shall be unlawful for the operator of either mine to close the same without the consent of the contiguous operator and the State Coal Mine Inspector; provided, that when either operator desires to abandon mining operations the expense and duty of maintaining such communications shall devolve upon the party continuing operations and using the same.

Sec. 48. VENTILATION OF MINES.) The owner, operator or superintendent of every coal mine, whether operated by shaft, slope or drift, shall provide and hereafter maintain ample means of ventilation for the circulation of air through the main entries, cross entries and all other working places, to an extent that will dilute, carry off and render harmless the noxious or dangerous gases generated in the mine, affording not less than one hundred cubic feet per minute for each and every person employed therein, and not less than six hundred cubic feet per minute for each and every animal in the mine; but in any mine, or section of a mine where blackdamp is generated not less than one hundred and fifty cubic feet of air per minute shall be provided for each person or as much more as may be necessary to keep such section

free from blackdamp. The quantities of air in circulation shall be ascertained with an anemometer or other efficient instrument; such measurement shall be made by the foreman or his assistants once a week at the inlet and outlet airways, and also at or near the face of each entry, and shall be recorded in a book kept for that purpose at the mine office. The quantity of air as provided for by this Act for each person shall be conducted to each working place.

In rooms generating blackdamp the volume of air required by this Act shall be conducted to the face thereof by the use of brattice cloth or other suitable means.

Sec. 49. NUMBER OF PERSONS PERMITTED TO WORK IN SAME AIR CURRENT.) The current of air in mines must be split or subdivided so as to give a separate current to a number not exceeding one hundred men at work, and the Inspector has the discretion to order a separate current for a smaller number of men if special conditions render it necessary.

Sec. 50. CROSSCUTS AND BRATTICES FOR VENTILATION.) Crosscuts between the entries, except where the same are within the confines of shaft room pillars, shall be made not exceeding sixty feet apart, unless sufficient brattice is used to keep the air current up to the entry face in which case they shall not exceed one hundred feet apart. When there is a solid block on one side of a room, crosscuts shall be made between such rooms and the adjacent room not to exceed seventy feet apart; where there is a breast or group of rooms, a crosscut shall be made on one side or the other of each room, except the room adjoining said block, not to exceed fifty feet from the outside corner of the crosscut to the nearest corner of the entrance of the room and on the opposite side of the same room a crosscut shall be made not to exceed ninety feet from the outside corner of the crosscut to the nearest corner of the entrance of the room, and thereafter crosscuts shall be made not to exceed eighty feet apart on each side of the room. The required air current shall be conducted to the crosscut nearest the face of each entry or room.

Brattices between permanent inlet and outlet airways shall hereafter be constructed in a substantial manner of brick, blocks, masonry, concrete or nonperishable material. Rooms must not be worked in advance of the ventilating current.

Sec. 51. OPERATION OF VENTILATING FANS, FURNACES, ETC.) All ventilating fans, furnaces and any means in use to ventilate mines shall be kept in constant operation, day and night, in mines generating blackdamp or where two shifts are being worked. Where no blackdamp is generated, or only one shift is worked, the fan, furnace or other means of ventilation shall be started and kept running not less than two hours before the time to begin work. Should it at any time become necessary to stop the fan or other means of ventilation on account of accident or needed

repairs to any part of the machinery, furnace or other means of ventilation connected therewith, or by reason of any unavoidable cause, it shall then be the duty of the mine foreman, or any official in charge, after first having provided as far as possible for the safety of the persons employed in the mine, to order said fan or other means of ventilation to be stopped so as to make the necessary repairs or to remove any other difficulty that may have been the cause of such stoppage. All ventilating fans and furnaces in mines, shall for two hours before the appointed time to begin work and during working hours, be properly attended by a person employed for the purpose.

Sec. 52. UNDERGROUND STABLES.) No underground stable shall be constructed with less than twenty feet of solid strata or twelve inches of solid brick or concrete wall, between the stable and any haulageway or air course.

All hay and bedding taken into any mine shall be baled. Not more than two days' supply of hay or straw shall be kept underground at one time, and not more than one week's supply of grain.

The air currents leading from all underground stables shall be connected with the outgoing currents of air and in no case shall the air from a stable be allowed to enter farther into the mine toward the workings.

All refuse must be promptly removed from the stable and from the mine.

Sec. 53. PRECAUTIONS WHEN APPROACHING ABANDONED WORKINGS.) Whenever any working place of a mine approaches within one hundred feet of the abandoned workings of another mine as indicated by an accurate survey, or while driving any working place parallel with the workings of such abandoned mine within one hundred feet thereof, and such abandoned mine cannot be explored or when same contains blackdamp or water which may inundate such working place, the mine foreman shall not permit such working place to be advanced until a drill hole has been extended not less than twelve feet in the center of such working place and a flank hole not less than twelve feet extended on each rib, starting at the working face after taking out each cut of breaking.

Whenever the limits of an abandoned mine are not known by actual survey the above rule shall apply whenever any working place approaches within two hundred feet of the supposed limits of such abandoned mine.

Sec. 54. TIMBER AND SUPPLIES.) The operator of any mine shall keep an adequate supply of suitable timber constantly on hand, and deliver to the working place of each miner the props of approximate length, caps and other timber necessary to securely prop the roof thereof. Such props, caps and other tim-



bers shall be delivered in mine cars at the point where the miner receives his empty cars or unloaded at the entrance to the room.

Sec. 55. HAULING ROADS.) On all hauling roads or entries on which the hauling is done by machinery, where men have to pass to or from their work, and on all entries on which the hauling is done by draft animals, there shall be a clearance on one side of at least two and one-half feet between the car and the rib of such entry. This place shall be kept free from all obstructions and no material shall be placed thereon. In mines already opened prior to the passage of this Act where such clearance does not exist, or in mines where mining conditions prohibit the driving of entries wide enough to give such clearance, places of refuge must be cut in the side wall at least three feet wide, two and one-half feet deep, five feet high, and not more than twenty yards apart, but such places of refuge shall not be required in entries from which rooms have been driven at regular intervals not exceeding twenty yards. All such places of refuge must be kept clear of obstructions and no material shall be stored nor allowed to accumulate therein.

Sec. 56. AIRWAYS.) It shall be the duty of the owner of every coal mine to provide and maintain airways of sufficient dimensions and in no case shall the area of the air course be less than twenty-five square feet in mines operated on the room and pillar system.

Sec. 57. DRAINAGE, TRAVELING WAYS.) Standing or stagnant water shall not be allowed to remain in traveling ways, or shall the intake airways be used by miners or other persons as a depository for excrement or any other refuse. Obstructions of any kind must not be placed in crosscuts, rooms or entries used as main airways. Where necessary to provide a traveling way other than the main entries, slope or drift in any mine for men going to or returning from their work, the same shall be kept clear from debris or obstructions of any kind, and all loose coal, slate and rock overhead or in rib in traveling ways, where miners have to travel to or from their work, must be taken down or carefully secured.

Sec. 58. EXAMINATION BY FOREMAN.) All main airways or traveling ways in any underground workings shall be examined at least twice a week by the mine foreman or some other competent person so directed by said mine foreman and a record of such inspections shall be kept at the mine office.

Sec. 59. REMOVAL OF COMBUSTIBLE MATTER.) It shall be the duty of the mine foreman or his assistant in charge of any coal mine where coal dust or any other inflammable material may accumulate to cause the same to be properly saturated with water or with some compounds or chemicals used for such purpose as

often as necessary in either air courses or entries, or all accumulated matter, explosive in its nature, shall be removed from the mine.

Sec. 60. MINE FOREMAN AND HIS DUTIES.) In order to secure efficiency in the coal mines, the operator or superintendent shall employ a competent and practical foreman; said mine foreman shall have passed an examination and obtained a certificate of competency as required by this Act, and said mine foreman shall devote the whole of his time to his duties at the mine when in operation.

The mine foreman or his assistant shall visit and examine every working place in the mine at least once each day while the miners of such places are or should be at work and shall examine and see that each working place is secured by timbering so that the safety of the mine is assured; he shall see that a sufficient supply of timbers and material is always on hand at the working places in compliance with this Act.

When the mine foreman is personally unable to carry out the requirements of this Act as pertaining to his duties, on account of sickness or of other unavoidable conditions, a competent person shall be appointed to act in his place. The said person so appointed shall possess a certificate of competency, either as mine foreman or mine examiner as provided for in this Act, or shall receive a permit to act as such from the State Coal Mine Inspector's office within thirty days after taking charge.

Whenever such mine foreman, his assistant or assistants, shall have an unsafe place reported to him or them, he or they shall order and direct that the same be placed in a safe condition and until such is done no person or persons shall enter such unsafe place, except for the purpose of making it safe.

Sec. 61. MINE EXAMINERS AND THEIR DUTIES.) A mine examiner shall be required at all coal mines generating dangerous and explosive gases. His duty shall be to visit the mine before the men are permitted to enter it and first, he shall see that the air current is traveling in its proper course and quantity. He shall inspect all places where men are expected to pass or to work and observe if there are any recent fall or obstructions in rooms and roadways or accumulations of blackdamp or other unsafe conditions.

He shall especially examine the edges and accessible parts of recent falls and old gobs and air courses. As evidence of such examination he shall mark with chalk upon the face of the coal his initial and the date of the month and year; if there is any standing gas discovered he shall leave a danger signal across every entrance to such place.

He shall make a report on a blackboard provided on the outside of the mine, or at some other convenient place, for that purpose and arranged so that the men can inspect it while

passing to their work showing the conditions of the mine as to the presence of blackdamp and indicating the place or places where present if any is present, before he permits any person or persons to enter the mine. He shall complete his inspection before the time for the daily shift men to go to work and shall personally check each miner or loader into the mine, advising each as to the condition of his working place and holding back any man whose working place is in dangerous condition. He shall return to the mine with such miners or loaders thus held back and remain there attending to the removal of any standing gas.

He shall examine parts of the mine not in actual course of working and available, not less than once each three days. He shall see that every part of the mine is kept free from standing gas and all old workings are properly fenced off. He shall examine the mine on idle days and Sundays if any men are required to work in any part of it, and, if any time elapse between the day turn leaving and night turn starting, the places to be worked by night turn must be examined by him with a safety lamp and reported safe before persons go to them. He shall make a daily record of the conditions of the mine as he has found them, in a book kept for that purpose, which shall be preserved in the office of the company. No miner or loader, when advised by the mine inspector that his working place is dangerous, shall leave the bottom of the shaft or the main partings on slopes or drifts until accompanied by the mine examiner.

Sec. 62. STORING OF EXPLOSIVES IN MINES.) No workman shall have at any time more than one twenty-five pound keg of black powder in the mine nor more than twenty-five pounds of high explosives. Every person who has powder or other explosives in a mine shall keep it or them in a wooden or metallic box or boxes, securely locked, and said boxes shall be kept at least five feet from the track and no two powder boxes shall be kept within twenty-five feet of each other nor shall black powder nor high explosives be kept in the same box.

Sec. 63. MANNER OF HANDLING EXPLOSIVES.) Whenever a workman is about to open a box or keg containing powder or other explosives and while handling the same he shall place and keep his lamp at least five feet distant from such explosive, and in such position that the air current cannot carry sparks to it, and no person shall approach nearer than five feet to any open box containing powder or other explosive with a lighted lamp, lighted pipe or other thing containing fire.

Sec. 64. COPPER TOOLS.) In the process of charging and tamping a hole, no person shall use an iron or steel pointed needle. The needle used in preparing a blast shall be made of

copper and the tamping bar shall be tipped with at least five inches of copper. Some soft material must always be placed next the cartridge or explosive.

Sec. 65. SYSTEM OF BLASTING.) A workman who is about to explode a blast with a squib shall not shorten the match, saturate it with oil, or ignite it except at the extreme end: he shall see that all persons are out of danger from probable effects of such shots, and shall take measures to prevent anyone from approaching by shouting "Fire," immediately before lighting the fuse or squib.

When firing shots in close proximity to other workmen on rib or in crosscut driven for air or other purposes, he or they, firing such shots shall notify in person or by signals the workmen in adjoining rooms or other place of entry.

When a quib is used and a shot misses fire no person shall return until five minutes shall have elapsed. When a fuse is used and a shot misses fire no person shall return until one hour for each foot of fuse shall have elapsed.

When drawslate or blackjack is over the coal, the miner shall not go underneath the same until it is made safe from falling by securely posting it, and he shall not remove the posts until the coal is removed and he is ready to take down the drawslate or blackjack. When more than one shot is to be fired at the same time with fuse, in the same working place different lengths of fuse shall be used so as to prevent any possibility of the shots going off simultaneously.

Sec. 66. CARE OF WORKING PLACES.) Each miner shall examine his working place upon entering the same and shall not commence to mine or load until it is made safe. He shall be very careful to keep his working place in safe condition at all times.

Should he at any time find his place becoming dangerous from any cause or condition, to such an extent that he is unable to take care of the same personally, he shall at once cease work and notify the mine foreman, or his assistant as provided for hereinbefore in this Act, of such danger, and upon leaving such place he shall place some plain warning at the entrance thereto to warn others from entering into said danger and he shall not return to his place until ordered to do so by the mine foreman or his assistant. Each miner, or other person employed in a mine, shall securely prop the roof of the working place therein under his control, and shall obey any order or orders given by the superintendent or mine foreman relating to the width of his working place or safety of the same. Such miner or other person shall not be held to have violated the provisions of this section if the owner, lessee, agent, superintendent or mine foreman fail to supply the necessary props, caps, timbers or necessary material as provided for in this Act.



Each miner or other person shall avoid waste of props, caps, timber or other material. When he has props, caps, timber or other material unsuited for his purpose he shall not cover them up nor destroy them but shall place the same near the track where they can be readily seen.

Sec. 67. DUTIES OF MACHINE MEN.) Machine runners and helpers shall use care while operating mining machines. They shall not operate a machine unless the shields are in place and shall warn all persons not engaged in the operating of a machine of the danger of going near a machine while in operation. They shall examine the roof of the working place and see that it is safe before starting to operate the machinery. They shall not move the machine while the cutter chain is in motion.

When connecting the power cable to electric wires, they shall make the negative or grounded connections before connecting to the positive and, when disconnecting the power cable, shall disconnect from the positive line before disconnecting the negative or grounded. They shall use care that the cable does not come in contact with metallic rails of the track and shall avoid, where possible, leaving the cable in water. If any machine men remove props which have been placed by the miner for the security of the roof, they shall reset such props as promptly as possible.

Sec. 68. DUTIES OF MOTORMEN, TRIP RIDERS AND DRIVERS.) Motormen and trip riders shall use care in handling the motors and cars and shall see that signals or markers, as provided for, are used as provided, and shall be governed by the speed provided for in this Act in handling cars. They shall not run the motors with the trolley ahead of the motors, except in case where they cannot do the alternative, and then only at a speed of two miles an hour. They shall warn persons forbidden to ride on the motors or cars and shall not permit such persons to ride on motors or cars contrary to the provisions of this Act.

Drivers shall use care in handling cars, especially when going down extreme grades and at junction points.

Motormen, trip riders and drivers in charge of hauling trips passing through doors used as a means of directing the ventilation, shall see that such doors are closed promptly after the trip passes through.

Sec. 69. DUTIES OF OTHER EMPLOYEES.) No person shall enter a mine generating blackdamp so as to be detected by a safety lamp until the mine examiners make a report on the blackboard for that purpose as hereinbefore provided for in this Act.

No person, unless accompanied by the mine examiner, shall remove any caution board or danger signal placed at the entrance to any working place or at the entrance to any old workings in a mine.

No person shall erase or change a mark of reference or monu--

ment made in connection with a measurement; change marks or dates or any caution board, or erase or change the dates at room or entry face when made by the mine examiner; change the checks on cars, wrongfully check a car or do any act with intent to defraud. No person shall take a lighted pipe or other thing containing fire, except lanterns as provided for in this Act, into any underground stable or barn.

No person shall place refuse in or obstruct any airway or break-through used as an airway. No workman or other person shall injure a water gauge, barometer, aircourse, brattice equipment, machinery or livestock; obstruct or throw open any airway; handle or disturb any part of the machinery of the hoisting engine of a mine; open a door of a mine and neglect to close it; endanger the miners or those working therein; disobey an order given in pursuance of law, or do a wilful act whereby the lives and health of persons working therein or the security of a mine or machinery connected therewith may be endangered.

Sec. 70. PERSONS PERMITTED TO RIDE ON HAULAGE TRIPS.) No person or persons except those in charge of trips, superintendents, mine foremen, mine examiners, electrician, mechanics and blacksmiths, when required by their duty, shall ride on haulage trips, except where by mutual agreement in writing between the superintendent or agent and the employes a special trip of empty cars is run for the purpose of taking employes into or out of the mine, or empty cars are attached to loaded trips, which shall not be run at a speed exceeding six miles an hour.

Sec. 71. EMPLOYES SHALL NOT LOITER NOR USE INTOXICANTS AROUND THE MINE.) Each employe of a mine shall go to or from his place of duty by the traveling ways provided; shall not travel around the mine or the buildings, where duty does not require, and when not on duty, shall not loiter at, in or around the mine, the buildings or machinery connected therewith, except by permission of the owner, lessee, operator, superintendent, or foreman.

No person shall go into or around a mine, the buildings or the machinery connected therewith while under the influence of intoxicants. No person shall use, carry or have in his possession at, in or around a mine, the building or the machinery connected therewith, any intoxicants.

Sec. 72. TOP AND BOTTOM MEN.) At every shaft, operated by steam or other power, the operator must station at the top and bottom of such shaft a competent man, charged with the duty of attending to signals, preserving order and enforcing rules, during the carriage of the men on cages.

Sec. 73. LIGHTS ON LANDINGS.) Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men leave or take the cage, car or cars, is at all obscured by steam or otherwise there must always be

maintained at such landing a light sufficient to show the landing and surrounding objects distinctly. Lights shall also be maintained at each landing and the bottom of all shafts while men are at work underground.

Sec. 74. REGULATIONS FOR HOISTING OR LOWERING OF MEN.) Cages in shafts or cars in any slope, on which men are riding shall not be lifted or lowered at a greater rate of speed than six hundred feet per minute.

No more than twelve (12) persons shall ride on any cage or car at any one time, except where specially constructed man cars are used on a slope.

No person shall carry any explosives, tools, timber or other material with him on a cage, car or cars, in motion, in any shaft or any slope or incline plane while the men are being hoisted or lowered, except for use in repairing the shaft or incline plane.

No cage having an unstable or self-dumping platform shall be used for the carriage of men or materials unless the same is provided with some device by which the platform can be securely locked, and unless it is so locked whenever men or materials are being conveyed thereon.

The rope rider on any slope or incline plane shall, during working hours, see that all ropes and signals are in perfect working order, and if he perceives anything wrong, he shall at once report the same to the mine foreman or his assistant.

He must be cautious when men are being hoisted or lowered into any slope and shall see that all safety appliances are properly attached and that all cars are securely coupled. He shall pay strict attention to all signals.

When more than twelve persons get on a cage or on one car on a slope or incline plane, except as above provided for, the bottom man, top man or rope rider in charge of the lowering and hoisting of such persons shall order a sufficient number to get off to reduce the number to twelve persons on the cage or car, and the person or persons so ordered shall immediately comply.

The car or cars used to hoist or lower men into or out of any slope or on any plane shall be connected by safety chains or some safety appliance must be used to maintain the trip in case of breakage of coupling or other connection.

Sec. 75. RIGHTS OF MEN TO COME OUT.) Whenever men who have finished their day's work, or who have been prevented from further work for any cause, shall come to the bottom of any shaft to be hoisted out, a cage shall be given them for that purpose, unless there is available exit by slope or stairway in an escape-ment shaft, and providing there is no coal at the bottom to be hoisted. Whenever the designated number of persons for a cage

load shall arrive at the bottom of the shaft in which persons are regularly hoisted or lowered, they shall be furnished with an empty cage and be hoisted.

Sec. 76. STRETCHERS, BLANKETS, ETC.) At every mine where men are employed underground it shall be the duty of the operator thereof to keep always on hand and at some readily accessible place a properly constructed stretcher, a woolen and waterproof blanket, and roll of bandages, in good condition and ready for immediate use, for binding, covering and carrying anyone who may be injured at the mine; also to provide a comfortable apartment near the mouth of the mine in which anyone so injured may rest while awaiting transportation home, and to provide for the speedy transportation of anyone injured in such mine to his home. When more than one hundred and fifty men are employed in any one mine two stretchers, two woolen and waterproof blankets, with a corresponding supply of bandages, shall be provided and kept on hand. There shall also be provided and kept in store a suitable supply of linseed or olive oil for use in case men are burned by an explosion or otherwise.

Sec. 77. BOUNDARY LINES.) In no case shall the workings of a coal mine be driven nearer than ten feet to the boundary line of the coal rights pertaining to said mine, except for the purpose of establishing connecting workings between properties owned by the same person or an underground communication between contiguous mines as provided for elsewhere in this Act.

Sec. 78. NOTICE TO INSPECTORS.) Immediate notice must be conveyed to the State Coal Mine Inspector by the operator interested:

First: Whenever an accident occurs whereby any person receives serious or fatal injury.

Second: Whenever work is commenced to sink a shaft, slope or drift, either for hoisting or escapement purposes.

Third: Whenever it is intended to abandon any mine or to re-open any abandoned mine.

Fourth: Upon the appearance of any large body of fire damp in mine, whether accompanied by explosion or not, and upon the occurrence of any serious fire within the mine or on the surface around the mine.

Fifth: When the workings of any mine are approaching near any abandoned mine believed to contain accumulation of water or gas.

Sixth: Upon the accidental closing or intended abandonment of any regularly established passageway to an escapement outlet.

Sec. 79. DUTY OF INSPECTORS.) When advised by an operator of any accident in a coal mine involving loss of life or serious personal injury the State Coal Mine Inspector shall, if he deem it



necessary from the facts reported, and in all cases of loss of life, immediately go to the scene of said accident, or send some competent person authorized by him. It shall, moreover, be the duty of every operator of a coal mine, or his agent, to make and preserve for the information of the Inspector, a record of all injuries sustained by any employes in the pursuance of their regular occupation.

The State Coal Mine Inspector may also make any original or supplementary investigation which he may deem necessary as to the nature and cause of any accident within his jurisdiction and shall make a record of the circumstances attending the same and of the results of his investigations for preservation in the files of his office.

To enable him to make such investigation he shall have the power to compel the attendance of the witnesses and to administer oaths or affirmations to them, and the cost of such investigation shall be paid by the county in which such accident has occurred in the same manner as the cost of coroner's inquest is paid.

Sec. 80. CORONER'S INQUEST.) If any person is killed by an explosion or other accident, the operator must also notify the Coroner of the County, his authorized deputy, or in the absence of either or the inability of either to act, any Justice of the Peace of said county for the purpose of holding an inquest concerning the cause of such death. At such inquest the State Coal Mine Inspector, his deputy or authorized representative shall offer such testimony as he may be possessed of, and he may question or cross-question any witness appearing in the case, and the owner, agent or manager of the coal mine, either in person or by counsel shall also be at liberty to examine or cross-examine any witness at such inquest.

Any person having personal interest in or employed in the management of the mine in which the accident occurred shall not be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the Coroner not to allow any such person to be sworn or sit on the jury; nevertheless, when possible, one-third of the jurymen shall be miners.

Unless the State Coal Mine Inspector, or some person authorized by him, is present at an inquest held upon the body of any person, where death may have been caused by any such accident, the Coroner shall adjourn the same and, by written notice or telegram delivered or sent to the State Coal Mine Inspector at least two days before holding the adjourned inquest give notice of the time and place of the holding of the same. Before

such adjournment the Coroner, his authorized deputy or the Justice of the Peace, may take evidence to identify the body and order the interment thereof.

Sec. 81. CODE OF SIGNALS AT COAL MINES.) At any coal mine operated by shaft or by slope, the manner of signaling to and from the bottom man, the top man, the rope riders and the engineer shall consist of wires or a tube or tubes through which signals shall be communicated by electricity, compressed air or other pneumatic devices.

The following signals are provided for use at coal mines where signals are required:

ONE RING OR WHISTLE.) One ring or whistle shall signify to hoist coal or the empty cars or cage, and also to stop either when in motion.

TWO RINGS OR WHISTLES.) Two rings or whistles shall signify to lower cage or car.

THREE RINGS OR WHISTLES.) Three rings or whistles shall signify that men are coming up; when return signal is received from engineer, either by bell whistle or slight movement of the trip, men will get on cage or cars and the cager or rope rider shall ring or whistle "one" to start.

FOUR RINGS OR WHISTLES.) Four rings or whistles shall signify to hoist slowly, implying danger.

FIVE RINGS OR WHISTLES.) Five rings or whistles shall signify accident in the mine and call for stretchers.

FROM TOP TO BOTTOM.) One ring or whistle shall signify—to send empty cages or cars.

PROVIDED: That the management of any mine may, with the consent of the State Coal Mine Inspector, add to or change his code of signals at their discretion for the purpose of increasing its efficiency or of promoting the safety of the men in said mine, but, whatever code may be established and in use at any mine it must be approved by the State Coal Mine Inspector, and shall be conspicuously posted at the top and at the bottom of every shaft or slope, and at the landing place on all rope haulage systems, also in all engine rooms for the information and instruction of all persons. In any coal mine where more than fifty men are employed underground, one or more telephones shall be installed communicating with the surface.

Sec. 82. DUTIES OF HOISTING ENGINEERS.) The hoisting engineer on any shaft, slope or drift at any mine shall be in constant attendance at his engine during working hours when there are workmen underground. He shall not permit anyone to enter or to loiter in the engineroom, except those authorized by their positions or duties to do so, and he shall hold no conversation with any officer of the company or other person, or leave his en-

gine while in motion or while his attention is occupied with the signals. A notice to this effect shall be posted on the door of the engine room.

The hoisting engineer must thoroughly understand the code of signals, and such signals must be delivered in the engine-room in a clear and unmistakable manner, and he shall not recognize any signals other than those provided for in this Act, or such as have been approved by the State Coal Mine Inspector; and when he has the signal that men are on the cage, car or cars, he must work his engine only at the rate of speed herein provided for in this Act. He shall permit no one to handle or meddle with any machinery under his charge, nor suffer anyone who is not a certified engineer to operate his engine except for the purpose of learning to operate it or repair same, and then only in the presence of the engineer in charge and when men are not on the cages, car or cars.

Sec. 83. QUALIFICATIONS OF MINERS.) Each person desiring to work by himself at mining or loading shall first produce satisfactory evidence in writing, to the mine foreman, of the mine in which he is employed, that he has worked at least one year with, under the direction of, or as a practical miner, and it is further understood that no miner shall be allowed to work on pillars until he has mined at least two years. Until a person has so satisfied the mine foreman of his competency, he shall not work or be permitted to work at mining or loading unless accompanied by a miner holding the foregoing qualifications. This section shall be retroactive on and after October 1st, 1919.

Sec. 84. OPERATORS MUST MAKE REPLY TO STATISTICAL INQUIRY.) Every coal mine operator, whether person, co-partnership or corporation, shall within thirty days after receipt of blanks from the State Coal Mine Inspector, asking for statistical data relative to any coal mine operated by the person, co-partnership or corporation addressed, fill in the blanks of such forms, answering all interrogations correctly and mail the same to the State Coal Mine Inspector.

Sec. 85. PENALTIES.) Any wilful neglect, refusal or failure to do things required to be done by any section, clause or provisions of this Act, on the part of the person or persons herein required to do them or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with the Inspector in the discharge of the duties herein imposed upon him or any refusal to comply with the instructions of the Inspector given by authority of this Act, shall be deemed a misdemeanor punishable by a fine not exceeding Five Hundred Dollars, or by imprisonment in the county jail for a period not exceeding six months, or both, at the discretion of the court.

Provided, that in addition to the above penalties in case of the failure of any operator to comply with the provisions of this

Act in relation to the sinking of escapement shafts or slopes and the ventilation of mines, the State's Attorney for the County in which such failure occurs, or any other Attorney, in case of his neglect to act promptly, shall proceed against such operator by injunction without bond to restrain him from continuing to operate such mine until all legal requirements shall have been fully complied with.

The State Coal Mine Inspector shall, if he finds that any section of this Act, or part thereof, is being neglected or violated, order immediate compliance therewith, and in case of continued failure to comply shall have power to stop the operation of the mine, or remove any offending person or persons from the mine until the law is complied with.

Sec. 86. EMPLOYMENT OF CHILDREN.) Any person, company, firm, association or corporation engaged in the mining industry in this state or any agent, officer, foreman or other employe having control or management of employes who shall knowingly employ or permit to be employed any child under the age of sixteen years to render or perform any service or labor in any underground workings or mine, shall be guilty of a misdemeanor, and punishable as hereinafter provided.

Sec. 87. PENALTY.) Any person or corporation violating any part of Section 86 shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not less than One Hundred (\$100.00) Dollars or more than Five Hundred (\$500.00) Dollars.

Sec. 88. HOURS OF LABOR.) A period of not over eight hours shall constitute a day's work on all works or undertaking in any coal mine or open-pit mine, except in cases of emergency where life or property is in imminent danger.

Sec. 89. DEFINITIONS. (a) "MINE.") In this Act the words "mine" and "coal mine" used in their general sense are intended to signify any and all parts of the property of a mining plant which contribute, directly or indirectly, under one management, to the mining or handling of coal.

(b) "EXCAVATIONS OR WORKINGS.") The word "excavations" and "workings" signify any and all parts of a mine excavated or being excavated, including shafts, slopes, tunnels, entries, rooms and working place, whether abandoned or in use.

(c) "SHAFTS.") The term "shafts" means any vertical opening through the strata which is or may be used for the purpose of ventilation or escapement, or for hoisting or lowering of men or material in connection with the mining of coal.

(d) "SLOPE" OR "DRIFT.") The terms "slope" and "drift" mean respectively an incline or horizontal way, opening or tunnel to a seam of coal to be used for the same purpose as a shaft.

(e) "FOLLOWING SHOT.") A "following shot" is a shot which is dependent on its action on the result of another shot.



(f) "OPERATOR.") The term "operator" as applied to the party in control of a mine under this Act, signifies the person, firm or body corporate who is the immediate proprietor as owner or lessee of the plant and, as such responsible for the management and condition thereof.

(g) "MINE FOREMAN.") The "mine foreman" is a person who is charged with the general direction of the underground work, or both the underground work and the outside work of any coal mine, and who is commonly known and designated as "Mine Boss."

(h) "MINE EXAMINER.") The "mine examiner" is the person charged with the examination of the condition of the mine before the miners are permitted to enter it.

Sec. 90. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of Ten Thousand (\$10,000.00) Dollars for the purpose of carrying out the provisions of this Act.

Sec. 91. REPEALING CLAUSE.) All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 92. WHEREAS, an emergency now exists in that the coal mines of North Dakota are now being run and operated in a manner that is dangerous to the life, peace, health and safety of the miners of the State of North Dakota, and whereas it is necessary for the immediate preservation of health, safety and peace of the public; therefore, this Act is hereby declared an emergency measure and shall become and be in force immediately upon its passage and approval.

Approved February 25, 1919.

## CHAPTER 169.

(S. B. No. 85—Mostad.)

### RAILROADS—SAFETY OF EMPLOYEES AND TRAVELERS.

An Act to Promote the Safety of Employees and Travelers and the Expeditious Movement of Freight on Railroads by Compelling Common Carriers by Railroad to Properly Man Their Trains; Providing Penalties and Measuring Damages for the Violation Thereof.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. FREIGHT TRAINS OF OVER FORTY CARS. HOW MANNED.) It shall be unlawful for any railroad company doing business in the State of North Dakota that operates more than four (4) trains in twenty-four (24) hours, to operate over any of its lines, or any part thereof outside of the yard limits, any freight or mixed trains consisting of more than forty (40) freight or other cars, exclusive of caboose and engine with less than a full train crew consisting of six (6) persons, to-wit: One (1) conductor,

one (1) engineer, one (1) fireman, two (2) brakemen and one (1) flagman (such flagman to have at least one year's experience in train service). This section does not apply to any branch or part of road that does not operate more than four (4) trains in any twenty-four (24) consecutive hours.

Sec. 2. FREIGHT TRAINS OF UNDER FORTY CARS. LIGHT ENGINES. HOW MANNED.) It shall be unlawful for any railroad company doing business in the State of North Dakota that operates more than four (4) trains in any twenty-four (24) consecutive hours, to operate over any of its lines or any part thereof outside of the yard limits any freight or mixed trains consisting of less than forty (40) freight or other cars, exclusive of caboose and engine with less than full train crew consisting of five (5) persons, to-wit: One (1) conductor, one (1) engineer, one (1) fireman, one (1) brakeman, and one (1) flagman (such flagman to have at least one year's experience in train service); provided, however, that a light engine may be manned by a crew consisting of not less than one (1) conductor, one (1) engineer, and one (1) fireman.

Sec. 3. PASSENGER TRAINS OF MORE THAN FOUR CARS. HOW MANNED.) It shall be unlawful for any railroad company doing business in the State of North Dakota that operates more than four (4) trains in any twenty-four (24) consecutive hours to operate over any of its lines or any part thereof outside of the yard limits, any passenger train consisting of more than four (4) passenger or other cars with less than a full train crew consisting of five persons, to-wit: One (1) conductor, one (1) engineer, one (1) fireman, one (1) brakeman and one (1) flagman (such flagman to have at least one year's experience in train service); provided, that said conductor, flagman or brakeman will not be required to perform any of the duties of train baggage master, express messenger, porter or electrician.

Sec. 4. That any railroad company doing business in the State of North Dakota who shall send out on its road or cause or permit to be sent out or operated on its road, any train which is not manned in accordance with Sections One, Two and Three of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense, and such company shall be liable in treble damages for any sickness, injury, loss, disability or accident resulting from or caused by the violation of any of the provisions of this Act; provided that nothing in this Act shall apply to relief or wrecking trains when the required number of men are not available; and provided further that in case of an accident or sickness or other unavoidable happening to any member of said crew by said train while en route that it shall not be construed as viola-

tion hereof or any of the provisions of this Chapter to run said train to railroad division point with less than a full crew.

Sec. 5. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved February 18, 1919.

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#### CHAPTER 170.

(H. B. No. 186—Malone.)

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##### HOURS OF LABOR FOR FEMALES.

An Act Regulating and Fixing the Hours of Labor for Females, and Providing Penalties for the Violation Thereof.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or telephone or telegraph establishment or office, or in any express or transportation company, in the State of North Dakota more than eight and one-half ( $8\frac{1}{2}$ ) hours in any one day or more than six (6) days or more than forty-eight hours in any one week, provided, however, that this Act shall not apply to females working in rural telephone exchanges or in villages or towns of less than five hundred (500) population.

Sec. 2. Any person who violates any provision of this Act shall, upon conviction thereof, be punished by a fine of not less than Twenty-five Dollars nor more than Two Hundred Dollars.

Sec. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 6, 1919.

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#### CHAPTER 171.

(H. B. No. 57—O'Brien.)

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##### LIMITING POWER OF COURTS TO GRANT INJUNCTIONS

An Act Limiting the Power of Courts to Grant Injunctions and Prohibiting the Issuing of Restraining Orders and Injunctions in Certain Labor Matters.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. No restraining order or injunction shall be granted by any Court of this State, any judge or judges thereof in any case involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with

particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

Sec. 2. No restraining order or injunction shall prohibit any person or persons whether singly or in concert from terminating any relation of employment or from ceasing to perform any work or labor or from recommending, advising or persuading others so to do; or from attending at any place where any person or persons may lawfully be, for the purpose of obtaining or communicating information, or from persuading any such person to work or to abstain from working; or from ceasing to patronize any party to such dispute; or from recommending, advising, or persuading others so to do; or from paying or giving to, or withholding from any person engaged in such dispute, any strike benefits or other moneys or things of value; or from assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by a single person; nor shall any of the Acts specified in this section be considered or held to be illegal or unlawful in any Court in this State.

Sec. 3. In all cases involving the violation of the contract of employment, either by the employer or the employee where no irreparable damage is about to be committed upon the property or property right of either, no injunction shall be granted, but the parties shall be left to their remedy at law.

Sec. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved February 14, 1919.

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## CHAPTER 172.

(S. B. No. 84—Mees.)

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### RAILROADS—REQUIRING SHELTER AND PROTECTION FOR EMPLOYEES.

An Act Requiring Employers to Provide Shelter and Protection for Employees While Engaged in the Repair or Construction of the Equipment of Common Carriers and Providing Penalties for the Violation Thereof.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. Every company, corporation, person or receiver engaged in repairing or constructing railway cars, trucks, locomotive engines or other railroad equipment, shall erect and maintain at every station or other point where five or more persons are regularly employed and engaged in such construction or repairing, suitable buildings or sheds covering sufficient railroad track to accommodate all of the cars, trucks, locomotive engines or other railroad equipment at any time under construction or



repair at that point, and to provide and insure shelter and protection from rain, snow or inclement weather to all of the men and women so employed and engaged in such construction or repair work. Provided, however, that the terms of this Act shall not apply to division terminals or other points where it is necessary to make light repairs only on cars, nor to any repair of cars loaded with time or perishable freight, nor to the repair of cars when trains are being held for the movement of said cars, nor to points where less than five persons are regularly employed in such repair service.

Sec. 2. Any company, corporation, person or receiver violating the provisions of this Act and failing to provide for the shelter and protection of its employes as required by the provisions of Section 1, shall be guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars for the first offense, and for each subsequent offense by a fine of not less than five hundred (\$500) dollars nor more than ten thousand (\$10,000) dollars, and shall pay in addition to the fine imposed the costs of prosecution.

Approved February 18, 1919.

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#### CHAPTER 173.

(H. B. No. 163—O'Brien.)

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#### REQUIRING THE LABEL OF INTERNATIONAL TYPOGRAPHICAL UNION ON STATE PRINTING.

An Act Requiring the Label of the International Typographical Union to be Placed Upon all Public Printing of the State of North Dakota and Providing Penalties for the Violation Thereof.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. All printing for which the State of North Dakota is chargeable, including reports of state officers, state boards, pamphlets, blanks and printed matter of every kind and description save and except letterheads, envelopes, certificates of appointment and election to office, shall have the label of the branch of the International Typographical Union of the city in which they are printed.

Sec. 2. Any officer of the state who shall accept any printed matter save and except letterheads, envelopes and certificates named in Section 1, for which the state is chargeable, which does not bear a label indicating that it was printed in an office under the jurisdiction of the International Typographical Union, shall be subject to a fine of fifty dollars for each and every offense.

Approved March 6, 1919.

## CHAPTER 174.

(H. B. No. 184—Malone.)

**LIVES, HEALTH AND MORALS OF WOMEN AND MINOR WORKERS.**

**An Act to Protect the Lives and Health and Morals of Women and Minor Workers, and to Establish Maximum Hours and Minimum Wages Therefor; Authorizing and Empowering the Workmen's Compensation Bureau to Fix Such Maximum Hours and Minimum Wages and Standard Conditions of Labor for Such Workers; Providing Penalties for Violation of this Act; Making an Appropriation Therefor and Repealing Chapter 181 of the Session Laws of North Dakota for the Year 1917, and all Acts or Parts of Acts in Conflict with the Provisions of this Act.**

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. DEFINITION.) That when used in this Act the term "Bureau" means the Workmen's Compensation Bureau.

The term "Commissioner" means a member of the Workmen's Compensation Bureau.

The term "minor" means a person of either sex under the age of eighteen years.

The term "women" includes only women eighteen years of age or over.

The term "Occupation" includes a business, industry, trade or branch thereof, but shall not include agricultural or domestic service.

Sec. 2. The said Bureau is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things:

(a) Standards of hours of employment for women or minors and what are unreasonably long hours for women or for minors in any occupation within the State of North Dakota;

(b) Standards of conditions of labor for women or for minors in any occupation within the State and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals of women or of minors in any such occupation;

(c) Standards of minimum wages for women in any occupation in the State and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health;

(d) Standards of minimum wages for minors in any occupation within the State of North Dakota and what wages are unreasonably low for any such minor workers;

(e) To prepare, adopt and promulgate rules and regulations for the carrying into effect of the foregoing provisions of this Act, including rules and regulations for the selection of members and the mode of procedure of conferences;

(f) To employ any and all necessary help and assistance

for the purpose of carrying out the provisions of this Act and to fix their compensation and bonds, providing that the total amount of such compensation shall not exceed the amount appropriated therefor by the Legislative Assembly;

(g) To investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in different occupations in which they are employed in the State of North Dakota;

(h) Either through any authorized representative or any Commissioner, to inspect and examine any and all books and payrolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the questions of labor or hours of labor or conditions of labor of any such women workers or minor workers in any of such occupations;

(i) To require from any such employer full and true statements of the wages paid to and the hours of labor and conditions of labor, of all women and minors in such employment.

Sec. 3. It shall be unlawful to employ women or minors in any occupation within the State for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the State under such surroundings or conditions, sanitary or otherwise, as may be detrimental to their health, or morals; and it shall be unlawful to employ women in any occupation within the State for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State for unreasonably low wages.

Sec. 4. Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit any Commissioner or any authorized representative of said Bureau to inspect and examine such register.

Sec. 5. Said Bureau may hold meetings for the transaction of any of its business at such times and places as it may prescribe; and said Bureau may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any of the matters it is authorized to investigate by this Act. At any such public hearing any person interested in the matter being investigated may appear and testify. Said Bureau or any Commissioner shall have power to subpoena and compel the attendance of any witness at any such public hearing or at any session of any conference called and held as hereinafter provided; and any Commissioner shall have power to administer an oath to any witness who testifies at any such public hearing or at any such session of any conference. All witnesses subpoenaed by said Bureau shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the District Court.

Sec. 6. If, after investigation, said Bureau is of the opinion that any substantial number of women workers in any occupation are working for unreasonably long hours or are working under surroundings or conditions detrimental to their health or morals or are receiving inadequate wages to supply them with the necessary cost of living and maintain them in health, said Bureau may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said Bureau and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the representatives of the employees in said occupation and of not more than three disinterested persons representing the public and of one or more Commissioners. Said Bureau shall name and appoint all members of such conference and designate the chairman thereof. Said Bureau shall present to such conference all information and evidence in the possession or under the control of said Bureau which relates to the subject of the inquiry of such conference; and said Bureau shall cause to be brought before such conference any witness whose testimony said Bureau deems material to the subject of the inquiry of such conference. After completing its consideration of any inquiry into the subject submitted to it by said Bureau, such conference shall make and transmit to said Bureau a report containing the findings and recommendations of such conference on said subject. Accordingly as the subject submitted to it may require, such conference shall, in its report, make recommendations on any or all of the following questions concerning the particular occupation under inquiry, to-wit:

(a) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers;

(b) Standards of conditions of labor for women workers and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals of women workers;

(c) Standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health.

In its recommendation on a question of wages such conference shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate, recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will in its judgment be adequate to supply the necessary cost of living to women workers of average ordinary ability and maintain them in health. Two-thirds of the members of any such conference shall constitute a quorum; and the decision or recommendation or report of such two-thirds



on any subject submitted shall be deemed the decision or recommendation or report of such conference.

Sec. 7. Upon receipt of any report from any conference said Bureau shall consider and review the recommendation contained in said report; and said Bureau may approve any or all of said recommendations or disapprove any or all of said recommendations; and said Bureau may re-submit to the same conference or a new conference any subject covered by any recommendations so disapproved. If said Bureau approves any recommendations contained in any report from any conference, said Bureau shall publish notice, not less than once a week for four successive weeks in not less than two newspapers of general circulation published in the state, that it will on a date and at a place named in said notice hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and, after said publication of said notice and said meeting, said Bureau may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the sixtieth day following its making and rendition. After said order becomes effective and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order or to employ any woman worker in any occupation covered by said order for longer hours or under different surroundings or conditions or at a lower wage than are authorized or permitted by said order. Said Bureau shall, as far as is practicable, mail a copy of such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said Bureau shall authorize or permit the employment of any women for more hours per day or per week than the maximum now fixed by law.

Sec. 8. Said Bureau may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in this State and determine suitable wages and hours and conditions of labor for such minors. When said Bureau has made such determination, it may issue an obligatory order in the manner hereinbefore provided; and, after such order is effective, it shall be unlawful for any employer in said occupation to employ a minor at less wages or for more hours or under different conditions of labor than are specified or required in or by said order; but no such order of said Bureau shall authorize or permit the employment of any minor for more hours per day or per week

than the maximum now fixed by law or at any times or under any conditions now prohibited by law.

Sec. 9. Said Bureau shall, from time to time, investigate and ascertain whether or not employers in the State are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders.

Sec. 10. All questions of fact arising under the foregoing provisions of this Act shall, except as otherwise herein provided, be determined by said Bureau, and there shall be no appeal from the decision of said Bureau on any such question of fact; but there shall be a right of appeal from said Bureau to the District Court of Burleigh County, from any ruling or holding on a question of law included in or embodied in any decision or order of said Bureau, and, on the same question of law, from said District Court to the Supreme Court of the State. In all such appeals the Attorney General shall appear for and represent said Bureau.

Sec. 11. For any occupation in which the minimum wage has been established the Bureau may issue to a female physically defective by age or otherwise or to an apprentice or learner in such occupations as usually require learners or apprentices, a special license authorizing the employment of any such licensee at a wage less than the minimum wage to be fixed by the Bureau, such license to be issued under such rules and regulations as the Bureau may establish therefor.

Sec. 12. Nothing in this Act shall authorize or empower the Bureau to increase the hours of labor for women or in any manner impair or affect the provisions of an Act entitled "For an Act regulating and fixing the hours of labor for females and providing penalties for the violation thereof," adopted at the Sixteenth Legislative Session of this State.

Sec. 13. Any person who violates any of the foregoing provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars or by imprisonment in the county jail for not less than ten days nor more than three months or by both such fine and imprisonment in the discretion of the Court.

Sec. 14. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee may testify, in any investigation or proceedings under or relative to this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars.

Sec. 15. If any woman worker shall be paid by her employer

less than the minimum wage to which she is entitled under or by virtue of an order of said Bureau, she may recover in a civil action the full amount of her said minimum wage less any amount actually paid to her by said employer, together with such attorney's fees as may be allowed by the Court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.

Sec. 16. Said Bureau shall, on or before the first day of November of the year 1920 and of each second year thereafter, make a succinct report to the Governor and Legislature of its work and the proceedings under this Act during the preceding two years.

Sec. 17. APPROPRIATION.) There is hereby appropriated out of the moneys in the State Treasury, not otherwise appropriated, the sum of Six Thousand Dollars per annum, or so much thereof as may be necessary per annum, to carry into effect the provisions of this Act and to pay the expenses and expenditures authorized by or incurred under this Act.

Sec. 18. That Chapter 181 of the Session Laws of North Dakota for the year 1917 and all Acts and parts of Acts in conflict herewith, are hereby repealed.

Approved March 6, 1919.

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## LEGALIZING ACT

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### CHAPTER 175.

(S. B. No. 198—Benson.)

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#### LEGALIZING CERTAIN ACTS OF CITY AND SCHOOL DISTRICT OFFICIALS.

An Act Legalizing Certain Acts of City, Village and School District Officials.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. ACTS LEGALIZED.) Where the officers of any incorporated city, village or school district of this state shall have incurred indebtedness and issued warrants or orders for the erection, purchase, repair or maintenance, within and for said city, village, or school district for school or other buildings, or water works, gas or electric light plants, public wells, cisterns, fire apparatus, or legitimate corporate purposes for said city, village or school district, or to pay for or to raise money for any such purpose, and said warrants or orders are outstanding, or held in the general revenue or other funds of said city, village or school district, in any or all such cases where said warrants or orders are within the debt limit, the same are hereby legalized