

SEC. 9. All increase in salaries herein provided for shall be paid out of any moneys in the county treasury not otherwise appropriated.

SEC. 10. This act shall take effect and be in force from and after April 1st, 1905.

Approved April 13, 1905.

H. F. No. 560.

CHAPTER 166.

Mine In-
spector.

An act to provide for the appointment of inspectors of mines in counties of this state, to prescribe their powers and duties, and to provide for their compensation and expenses.

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

Appoint-
ment by
county com-
missioners.

SECTION 1. That the board of commissioners of any county in this state where there are at least five mines situate and in operation is hereby authorized and directed on or before the first day of July, 1905, to appoint an inspector of mines, who shall hold office for the term of three years or until his successor is appointed and qualified for the purpose of discharging the duties hereinafter prescribed; to fix the compensation and traveling expenses of such inspector and provide for the payment of the same, and to remove such inspector and appoint another in his place whenever in the judgment of said board the best interests of the owners and employes of such mines may so require, and to fill vacancies arising from any other cause than removal.

Qualifica-
tions of
inspector.

SEC. 2. Such inspector of mines shall be at least twenty-five years of age, a citizen of the State of Minnesota and a resident of the county wherein he is appointed, shall be of good moral character and temperate habits, and shall have had previous to his appointment practical experience as a miner or otherwise engaged as an employe in mines of the state at least six years, or a mining engineer having had previous to his appointment at least two years' practical experience in iron mines and iron mining and having had at least one year's such experience in this state. He shall not while in office in any way be interested as an owner, operator, agent, stockholder or engineer of any mine. He shall make his residence or have his office in the mining district of the county for which he is appointed. The salary of the inspector of mines shall be

Office and
salary.

such sum as shall be fixed by the board of county commissioners, not exceeding two thousand dollars per annum, and he shall in addition be allowed actual traveling expenses not exceeding three hundred dollars in any one year. He shall file with the county auditor an itemized account of his expenses every three months, verified by his affidavit, showing that they have been incurred in the discharge of his official duties. He shall, before entering upon the discharge of the duties of his office, take an oath before some person authorized by law to administer oaths that he will support the Constitution of the United States and the Constitution of the State of Minnesota and that he will faithfully, impartially and to the best of his ability, discharge the duties of his office, and he shall file a certificate of his having done so in the office of the auditor of the county for which he is appointed, and he shall also give a bond payable to said board of commissioners in the penal sum of five thousand dollars, with good and sufficient sureties to be approved by the board of county commissioners of the county for which he is appointed, conditioned that he will faithfully discharge the duties of his office, and said bond shall be filed with the county auditor of such county.

Expense
account.

Bond.

SEC. 3. The duties of the inspector of mines shall be to visit all the working mines of his county at least once in every ninety days and oftener if requested so to do as hereinafter provided, and closely inspect the mines so visited and condemn all such places where he shall find that the employes are in danger from any cause, whether resulting from careless mining or defective machinery or appliances of any nature; he shall compel the erection of a partition between all shafts where hoisting of ore is performed, and where there are ladder ways, where men must ascend or descend going to and from their work. In case the inspector of mines shall find that a place is dangerous from any cause as aforesaid, it shall be his duty immediately to order the men engaged in work at the said place to quit work, and he shall notify the superintendent, agent or person in charge, to secure the place from the existing danger, which said notification or order shall be in writing, and shall clearly define the limits of the dangerous place, and specify the work to be done, or change to be made to render the same secure, ordinary mine risks excepted. It shall also be the duty of the inspector of mines to command the person, persons or cor-

Duties of
Inspector.

poration working any mine, or the agent, superintendent, foreman or other person having immediate charge of the working of any mine, to furnish all shafts, open pits, caves and shutes of such mine where danger exists with some secure safeguard at the top of the shaft, open pit, cave or shute so as to guard against accidents by persons falling therein or by material falling down the same, also a covering overhead on all the carriages on which persons ascend or descend up and down the shaft, if in his judgment it shall be practicable and necessary for the purpose of safety. *Provided*, that when any mine is idle or abandoned it shall be the duty of the inspector of mines to notify the person, persons or corporation owning the land on which any such mine is situated or the agent of such owner or owners, to erect and maintain around all the shafts, caves and open pits of such mine a fence of railing suitable to prevent persons or domestic animals from accidentally falling into said shafts, caves or open pits. Said notice shall be in writing and shall be served upon such owner, owners or agent, personally, or by leaving a copy at the residence of any such owner or agent if they or any of them reside in the county where such mine is situated, and if such owner, owners or agent are not residents of the county such notice may be given by publishing the same in one or more newspapers printed and circulating in said county if there be one and if no newspaper be published in said county then in a newspaper published in some adjoining county, for a period of three consecutive weeks.

SEC. 4. If any person or persons are required to continue work in any place or places in which the inspector of mines has ordered employes to quit work as aforesaid, except to do such work as may have been by him required to be done in order to render such place or places safe, ordinary risks of mining excepted, the person or persons or corporation so requiring employes to work in such place or places shall be liable for all accidents causing injury or death to any employe arising by reason of such place or places not having been repaired or changed as required by said inspector.

SEC. 5. It shall be lawful for the inspector of mines to enter, examine and inspect any and all mines and machinery belonging thereto at all reasonable times by day or by night, but so as not to obstruct or hinder the necessary workings of such mines, and it shall be the duty of the

Safeguards
for shafts,
pits, etc.

Provisions
against acci-
dents.

Publication
of notice.

Liability for
accidents.

Inspection
of mines and
machinery.

owner, operator or agent of every such mine upon the request of the inspector of mines to furnish for his inspection all maps, drawings and plans of the mine, together with the plans of all contemplated changes in the manner of working the mine or any part thereof; to furnish him with some suitable person or persons as he may desire to accompany him through the mine or any part thereof, and also to furnish him suitable ladders and other necessary appliances to make a proper inspection and to furnish upon request the inspector of mines with all necessary facilities for such entry, examination and inspection, and if the said owner, operator or agent aforesaid shall refuse to permit such inspection or to furnish the necessary facilities for such entry, examination and inspection and shall continue so to refuse or permit after written request therefor made by the inspector of mines, such refusal or neglect shall be deemed a gross misdemeanor and upon conviction therefor such owner, operator or agent shall be punished by a fine of not less than one hundred or more than five hundred dollars for each and every offense.

Penalty.

SEC. 6. The salary and expenses of the inspector of mines shall be paid out of the treasury of the county for which he is appointed by vouchers similar to those used by other county officials. The board of county commissioners shall furnish the inspector of mines with the necessary books, stationery and supplies.

Salary.

SEC. 7. Whenever twenty or more persons working in any mine or place where mining is done, or the owner, operator or agent of any mine, shall notify the inspector of mines in writing that his services are needed, he shall immediately make an inspection thereof and shall examine as to the necessary precautions and general safety of the mines and see that all the provisions of this act are observed and strictly carried out.

Demand for inspection.

SEC. 8. Whenever by reason of any accident in any mine, loss of life or serious personal injury shall occur, it shall be the duty of the manager or superintendent of the mine, and in his absence the person or officer under him in charge of the mine, to give notice thereof forthwith to the inspector of mines, stating the particulars of such accident, and the said inspector shall, if he deems it necessary from the facts reported, go immediately to the scene of such accident and make such suggestions and render such assistance as he may deem necessary in the premises and personally investigate the cause of such ac-

In case of accident.

Personal investigation.

cident and take such steps as he may deem necessary for the safety of the employes of such mine and to prevent accidents of a like or similar nature.

SEC. 9. The owner, operators or agent of any mine shall at all times keep a sufficient and suitable supply of timber and logging on hand, when required to be used as supports, props or otherwise in the mining work, so that the workings of such mine may be rendered reasonably safe and secure.

SEC. 10. Any workman, employe or other person who shall open, remove or disturb any fence, guard or rail and not close or replace or have the same closed or replaced again around or in front of any shaft, test pit, shute, excavation, cave or land liable to cave, injure or destroy, whereby accident, injury or damage results, either to the mine or those at work therein, or to any other person, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or imprisonment for not more than sixty days in the county jail for each and every such offense.

Penalty.

Annual report to be filed.

SEC. 11. It shall be the duty of the inspector of mines appointed under this act to make and file no later than September 1st of each year with the auditor of the county for which he is appointed and with the state commissioner of labor a full and complete report of all his acts, proceedings and doing hereunder for each year ending June thirtieth, stating therein, among other things, the number of visits and inspections made, the number of mines in operation, the number not in operation, the names of the mines, where located, the owners, lessees or managers, the names of the officers, the quantity of ore shipped, the number of men employed, the average wages for different kinds of work, the number of accidents, fatal or otherwise, the cause of such accidents, and such other information in relation to the subject of mines and mining inspection as he may deem of proper interest and beneficial to the mining interests of the state. Such report shall be included in the biennial report of the state commissioner of labor.

Penalty for violation.

SEC. 12. Any owner, operator or agent of any mine in this state violating the provisions of this act shall be deemed guilty of a gross misdemeanor and for each offense upon conviction shall be fined not less than one hundred dollars or more than five hundred dollars.

SEC. 13. Any inspector of mines appointed hereunder failing to comply with the requirements of this act shall be guilty of a gross misdemeanor and upon conviction thereof shall be fined not less than one hundred or more than one thousand dollars and be dismissed from office, and the said board of commissioners shall remove him from office for neglect of duty, drunkenness, incompetency, malfeasance in office and other good cause.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved April 13, 1905.

CHAPTER 167.

H. F. No. 679.

An act relating to parks and parkways in certain villages.

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

SECTION 1. Any village now or hereafter located in any county of the state now or hereafter having a population exceeding two hundred and twenty-five thousand (225,000) inhabitants, is hereby authorized to create a board of park commissioners, and to acquire, govern and administer lands for parks and parkways by proceedings in the manner provided in this act.

Village parkways.

The city council of such village may submit to the voters thereof at any general election or at any special election ordered for the purpose, the question whether to adopt the provisions of this act. The vote shall be by ballot, the form of which shall be as follows:

“For a park and parkway system and the election of a board of park commissioners.

Form of ballot.

Yes

No

Those voting in the affirmative shall make a cross after the word “Yes,” and those voting in the negative after the word “No.” If a majority of the votes cast upon that question are in the affirmative the provisions of this act shall be deemed to be adopted, otherwise not.

The village council shall at the said election provide for the election of three park commissioners, and prescribe the form of ballots in accordance with the general election law. If the provisions of this act are adopted by the vote taken as aforesaid, the three candidates receiving the

Park commissioners.