

H. Bill No. 122,

By Mr. Davis.

A Bill for
An Act to repeal and
re-enact Sections 8, 9 &
10 of Chapter 80 Session
Laws of Wyoming of 1890 & 1891
relating to the appointment,
duties and Compensation
of State Mine Inspectors.

Feb. 1. Introduced, Read first time
ordered printed and referred to
Committee on Coal Mines.

Feb. 2. Printed.

Feb. 12. Returned by Committee recom-
mending amendments and that
as so amended that it do pass.

Feb. 14. Considered in Committee
of whole, amended and reported
without recommendation.

Feb. 14. Amendments adopted.

Feb. 15. Read second time and
ordered engrossed for third
reading.

H. B. No. _____

By Mr. Davis

A Bill for

An Act to repeal and re-enact sections 8, 9, and 10 of Chapter 80, Session Laws of Wyoming of 1890-91. *relating to the appointment duties and compensation of State Mine Inspectors.*

Be it enacted by the Legislature of the State of Wyoming:-

Section 1. That Section 8 of Chapter 80 of the Session Laws of 1890-91, enacted by the First Legislature of the State of Wyoming, is hereby amended and re-enacted so as to read as follows:

Section 8. Within *three* months from the date of the passage of this act, the Judges of the District Courts shall appoint two coal miners of known experience and practice at the time, one each from the counties of Sweetwater and Carbon, and the Governor shall appoint three Mining Engineers of like experience and practice at the time, who shall constitute a board of ^{or} ~~five~~ examiners, whose duty it shall be to inquire into the character and qualifications of candidates for the office of Inspector of Coal Mines, under the provisions of this act. The examiners first appointed in pursuance of this section shall meet in the City of Cheyenne on the *first Wednesday* of *June 1891* ~~next~~, and after be-

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ing duly organized, having taken and subscribed before any officer duly authorized to administer the same, the following oath, viz: "We, the undersigned, do solemnly swear (or affirm) that we will perform the duties of examiners of applicants for appointment as Inspector of Coal Mines, and that in recommending or rejecting said applicants, we will be governed by the evidence of qualifications to fill the position under the law creating the same, and not by any consideration of political or personal favors; and that we will certify all whom we find qualified according to the true intent and meaning of the act, and none others, to the best of our judgments" -- shall proceed to the examination of those who may present themselves as candidates for said office; and they shall certify to the Governor the names of all such applicants as any four of the examiners shall find competent to fill the office, under the provisions of this act, which names, together with the certificate and oath of the examiners shall be filed in the office of the Secretary of the State. The qualifications of candidates for said office of Inspector of Coal Mines, to be inquired into, and certified by said examiners, shall be as follows, viz: -- They shall be citizens of the United States and of the State of Wyoming, of temperate habits, of good repute as men of personal integrity, shall have attained the age of Thirty

years, and shall have had at least Five years practical experience in the working of coal mines in the State of Wyoming, and have a practical knowledge of Mining Engineering and of the different systems of working and ventilating coal mines, and of the nature and properties of the noxious and poisonous gases of mines, particularly Fire-damp. The board of examiners shall receive Five Dollars per day and ten cents per mile in going to and returning from the place of meeting of such board by the shortest practicable route, which shall be paid out of the State Treasury upon the filing of the certificate of the examining board in the office of the Secretary of the State. The Governor shall from the names so certified appoint the person possessing the best qualifications to be Inspector of Coal Mines, who shall be appointed for Four years, or until his successor is appointed and qualified. As often as vacancies in said office of Inspector of Coal^{Mines} shall occur by death, resignation, or malfeasance in office, the Governor shall fill the same by appointment for the unexpired term, from the names on file in the office of the Secretary of State, as hereinbefore mentioned, as having passed examination. Every Four years from January 1st, A. D. 1896, the Governor shall appoint three Mining Engineers as before, and shall notify the judges of two of the judicial districts of the State containing coal mines, (selecting them in such order as to allow each district an

equal share of such appointments) each to appoint one miner, and the Five so appointed shall constitute a new board of examiners, whose duties, term of service and compensation shall be the same as those provided for by this section, and from the names that may be certified by them, the Governor shall appoint the Inspector of Coal Mines provided for in this act. Nothing in this act shall be construed to prevent the re-appointment of any Inspector of Coal Mines. Sessions of the examining board shall not exceed Three days in any one year. The

said State Inspector of Coal Mines shall receive an annual salary of ~~Eighteen Hundred~~ *and ten cents per mile for distance necessarily* ~~Two Thousand Five Hundred Dollars,~~ and actual traveling expenses while in the discharge of his duties, to be paid monthly by the State Treasurer, upon warrants of the Auditor, and said Inspector shall reside in the State, and keep an office at the Capitol or other building in which officers of the State may be located. Said Inspector is hereby authorized to procure such instruments and chemical tests and stationery, and to incur such expense of communication from time to time, as may be necessary to the discharge of his duties; (provided that such expense shall not exceed the contingent fund hereinafter appropriated for that office) at the cost of the State, subject to the approval of the Governor of the State, which shall be paid out of the State Treasury, upon accounts duly certified by him and audited by the Auditor. All

instruments, plans, books, memoranda, notes and other property pertaining to the office hereby created, shall be the property of the State, and shall be delivered by each Inspector to his successor in office, and said Inspector shall be allowed all expenses necessarily incurred in enforcing the provisions of this Chapter in the courts of the State, when such expenses are certified to be correct by the courts before which the proceedings were had.

Section 2. That Section 2 of Chapter 80 of the Session Laws of 1890-91, enacted by the First Legislature of the State of Wyoming, is hereby amended and re-enacted so as to read as follows:

Section 2. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Twelve Hundred Dollars for contingent expenses for the office of said State Inspector of Coal Mines, and also the sum of Eight Hundred Dollars, or so much thereof as may be necessary to pay expenses of examining board appointed to examine into qualifications of candidates for office of State Inspector of Coal Mines. No person, who shall act as a manager, superintendent or agent of any coal mine, or as a mining engineer, or be interested in operating any coal mine, shall at the same time act as Inspector of Coal Mines under this act.

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Section 3. That Section 10 of Chapter 80 of the Session Laws of 1890-91^{enacted} by the First Legislature of the State of Wyoming, is hereby amended and re-enacted so as to read as follows:

Section 10. The State Inspector of Coal Mines shall, before entering upon the discharge of his duties, give Bond in the penal sum of Five Thousand Dollars, to the State of Wyoming, with sufficient sureties, to be approved by the chief justice of the supreme court of the state; said bonds to be filed in the office of the state auditor, which bond shall be conditioned for the faithful discharge of his duties, and he shall take and subscribe an oath or affirmation to discharge his duties impartially and with fidelity to the best of his knowledge and ability. The Inspector of Coal Mines shall devote the whole of his time to the duties of his office. It shall be his duty to enter into and thoroughly examine all coal mines in the State in which more than ten men are employed, as often as possible, which shall not be less than once in three months, to see that all of the provisions of this act are observed and strictly carried out. The Inspector shall make to the Governor of the State a biennial report, which shall show the number of coal mines, and the development on the same during each year, and the number of persons employed in or about each mine, and the

extent to which the law is obeyed, the progress made in the improvement sought to be secured by the passage of this act, especially in reference to ventilation and drainage, the number of accidents and deaths resulting from injuries received in or about coal mines; as also statistics showing output of coal and development made annually at each mine, with all facts concerning the production and transportation of coal to market, and other facts of public interest coming under the provisions of this act; which record shall be filed in the Inspector's office. The Secretary of State is hereby authorized to have printed Five Hundred copies of said biennial report, at the expense of the State, for distribution to members of the Legislature, mine owners, superintendents of mines, mine bosses, and intelligent miners throughout the State; said report shall be printed on or before December 31st preceding the biennial session of the Legislature.

H. B.

No. 122

By Mr. Davis

A. Bill

for
An Act to repeal and re-enact
Sections eight, nine and ten
of Chapter eighty, Session Laws
of Wyoming of 1890 and 1891 rela-
ting to the appointment, duties and
compensation of State Mine
Inspectors.

Feb. 1- Introduced read first
time ordered printed and refer-
red to Committee on Coal Miners.

Feb. 2- Printed.

Feb. 13- Returned by Committee
recommending amendments
and that as so amended that
it do pass.

Feb. 14- Considered in Committee
of whole, amended and reported
without recommendation
Amendments adopted.

Feb. 15 Read second time^y ordered
engrossed for third reading.
Engrossed.

Feb. 15. Read third time and
passed by the following vote:
Ayes 15. Nays 14, absent, 8

McAdams
Chair Clerk

A BILL

FOR

An Act to repeal and re-enact Sections 8, 9, and 10, of Chapter 80, Session Laws of Wyoming of 1890-91, relating to the appointment, duties and compensation of State Mine Inspector.

~~February 1, introduced, read first time, ordered printed, and referred to Committee on Coal Mines.~~

Be it Enacted by the Legislature of the State of Wyoming:

SECTION 1. That Section 8, of Chapter 80, of the Session Laws of 1890-91,

enacted by the First Legislature of the State of Wyoming, is hereby amended and re-enacted so as to read as follows:

Within twelve month from the date of the passage of this Act, the Judges of the District Courts, in whose districts are situated the counties of Goshute, Big Horn, and Yellowstone shall each appoint one coal miner of known practice of experience at the time from the Counties above named named; and the

7. Governor shall appoint ^{two} ~~three~~ Mining Engineers, ^{one coal operator} of like experience and practice at the
8. time, who shall constitute a board of five Examiners, whose duty it shall be to inquire
9. into the character and qualifications of candidates for the office of Inspector of Coal
10. Mines, under the provisions of this Act. The Examiners first appointed in pursuance
11. of this Section shall meet in the City of Cheyenne on the ^{first Wednesday} day of June, 1896, and
12. after being duly organized, having taken and subscribed before any officer duly
13. authorized to administer the same, the following oath, viz: "We, the undersigned,
14. do solemnly swear (or affirm) that we will perform the duties of examiners of appli-

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15 cants for appointment as Inspector of Coal Mines, and that in recommending or
16 rejecting said applicants, we will be governed by the evidence of qualifications to fill
17 the position under the law creating the same, and not by any consideration of political
18 or personal favors; and that we will certify all whom we find qualified according to the
19 true intent and meaning of the Act, and none others, to the best of our judgments"
20 —shall proceed to the examination of those who may present themselves as candidates
21 for said office; and they shall certify to the Governor the names of all such applicants
22 as any four of the Examiners shall find competent to fill the office, under the pro-
23 visions of this Act, which names, together with the certificate and oath of the Exam-
24 iners shall be filed in the office of the Secretary of the State. The qualifications of
25 candidates for said office of Inspector of Coal Mines, to be inquired into, and certified
26 by said Examiners, shall be as follows, viz: They shall be citizens of the United
27 States and of the State of Wyoming, of temperate habits, of good repute as men of
28 personal integrity; shall have attained the age of thirty years, and shall have had at
29 least five years practical experience in the working of coal mines in the State of Wyo-
30 ming, and have a practical knowledge of mining engineering, and of the different sys-
31 tems of working and ventilating coal mines, and of the nature and properties of the
32 noxious and poisonous gases of mines, particularly fire-damp. The Board of Exam-
33 iners shall receive five dollars per day and ten cents per mile in going to and returning
34 from the place of meeting of such Board by the shortest practicable route, which shall
35 be paid out of the State Treasury upon the filing of the certificate of the Examining
36 Board in the office of the Secretary of the State. The Governor shall from the names
37 so certified appoint the person possessing the best qualifications to be Inspector of
38 Coal Mines, who shall be appointed for four years, or until his successor is appointed
39 and qualified. As often as vacancies in said office of Inspector of Coal Mines shall

40 occur by death, resignation, or malfeasance in office, the Governor shall fill the same
41 by appointment for the unexpired term, from the names on file in the office of the
42 Secretary of State, as hereinbefore mentioned, as having passed examination. Every
43 four years from January 1st, A. D. 1896, the Governor shall appoint ^{two} ~~three~~ Mining
44 ^{and one coal operator} Engineers, as before, and shall notify the Judges of two of the Judicial Districts of
45 the State containing coal mines, (selecting them in such order as to allow each ^{judicial} dis-
46 trict an equal share of such appointments) each to appoint one miner, and the five so
47 appointed shall constitute a new Board of Examiners, whose duties, term of service
48 and compensation shall be the same as those provided for by this Section, and from
49 the names that may be certified by them, the Governor shall appoint the Inspector of
50 Coal Mines provided for in this Act. Nothing in this Act shall be construed to pre-
51 vent the re-appointment of any Inspector of Coal Mines. Sessions of the Examining
52 Board shall not exceed three days in any one year. The said State Inspector of Coal
53 Mines shall receive an annual salary of ^{two thousand} ~~eighteen hundred~~ dollars, and ten cents per
54 mile for distance necessarily traveled while in the discharge of his duties, to be paid
55 monthly by the State Treasurer, upon warrants of the Auditor, and said Inspector
56 shall reside in the State, and ~~keep an office at the Capitol or other building in which~~
57 ~~officers of the State may be located.~~ Said Inspector is hereby authorized to procure
58 such instruments and chemical tests and stationery, and to incur such expense of
59 communication from time to time, as may be necessary to the discharge of his duties;
60 (Provided, That such expense shall not exceed the contingent fund hereinafter appro-
61 priated for that office) at the cost of the State, subject to the approval of the Gov-
62 ernor of the State, which shall be paid out of the State Treasury, upon accounts duly
63 certified by him and audited by the Auditor. All instruments, plans, books, memor-
64 anda, notes and other property pertaining to the office hereby created, shall be the

65 property of the State, and shall be delivered by each Inspector to his successor in
66 office, and said Inspector shall be allowed all expenses necessarily incurred in enforce-
67 ing the provisions of this Chapter in the courts of the State, when such expenses are
68 certified to be correct by the courts before which the proceedings were had.

SEC. 2. That Section 9 of Chapter 80 of the Session Laws of 1890-91, enacted
2 by the First Legislature of the State of Wyoming, is hereby amended and re-enacted
3 so as to read as follows:

4 Section 9. There is hereby appropriated out of any moneys in the State Treas-
5 ury not otherwise appropriated, ~~the sum of Twelve Hundred Dollars for contingent~~
6 ~~expenses for the office of said State Inspector of Coal Mines, and also the sum of~~
7 Eight Hundred Dollars, or so much thereof as may be necessary to pay expenses of
8 Examining Board appointed to examine into qualifications of candidates for office of
9 State Inspector of Coal Mines. No person who shall act as a manager, superinten-
10 dent or agent of any coal mine, or as a mining engineer, or be interested in operating
11 any coal mine, shall at the same time act as Inspector of Coal Mines under this Act.

SEC. 3. That Section 10 of Chapter 80 of the Session Laws of 1890-91 enacted
2 by the First Legislature of the State of Wyoming, is hereby amended and re-enacted
3 so as to read as follows:

4 Section 10. The State Inspector of Coal Mines shall before entering upon the
5 discharge of his duties, give bond in the penal sum of Five Thousand Dollars, to the
6 State of Wyoming, with sufficient sureties, to be approved by the Chief Justice of the
7 Supreme Court of the State; said bonds to be filed in the office of the State Auditor,
8 which bond shall be conditioned for the faithful discharge of his duties, and he shall
9 take and subscribe an oath or affirmation to discharge his duties impartially and with
10 fidelity to the best of his knowledge and ability. The Inspector of Coal Mines

11 shall devote the whole of his time to the duties of his office. It shall be his duty to
12 enter into and thoroughly examine all coal mines in the State in which more than ^{twenty} ~~ten~~
13 men are employed, as often as possible, which shall not be less than once in three
14 months, to see that all of the provisions of this Act are observed and strictly carried out.
15 The Inspector shall make to the Governor of the State a biennial report, which shall
16 show the number of coal mines, and the development on the same during each year,
17 and the number of persons employed in or about each mine, and the extent to which
18 the law is obeyed, the progress made in the improvement sought to be secured by the
19 passage of this Act, especially in reference to ventilation and drainage, the number of
20 accidents and deaths resulting from injuries received in or about coal mines; as also
21 statistics showing output of coal and development made annually at each mine, with
22 all facts concerning the production and transportation of coal to market, and other
23 facts of public interest coming under the provisions of this Act; which record shall be
24 filed in the Inspector's office. The Secretary of State is hereby authorized to have
25 printed Five Hundred copies of said Biennial Report, at the expense of the State, for
26 distribution to members of the Legislature, mine owners, superintendents of mines,
27 mine bosses and intelligent miners throughout the State; said report shall be printed
28 on or before December 31st preceding the biennial session of the Legislature.