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Mining Laws of Ohio

1921

COMPILED BY

THE DEPARTMENT OF INDUSTRIAL RELATIONS

Columbus, Ohio
THE F.J. HEER PRINTING CO.
1921
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FOREWORD.

The Department of Industrial Relations.

The act of the Eighty-fourth General Assembly, known as House Bill two hundred forty-nine, found in 109 Ohio Laws at page 105, became effective on July 1, 1921.

This law provides for the reorganization of the executive department of the state government and is an administrative code centralizing related executive functions and activities for better administrative care and control.

All duties, rights, liabilities, authority and privileges relating to MINES and MINING, formerly had and exercised under the law by THE INDUSTRIAL COMMISSION OF OHIO, was, by the above mentioned law, conferred upon and imposed in THE DEPARTMENT OF INDUSTRIAL RELATIONS to be administered by the Director of Industrial Relations.

This pamphlet contains all the provisions of the General Code of Ohio directly relating to MINES and MINING, their operation, control and management, put into convenient form for the information and guidance of employers, employes and the general public, for whose benefit and observance they have been enacted.

In any section of the law herein given where the phrase "Industrial Commission" or "The Industrial Commission of Ohio," or "Chief Inspector of Mines" is found, the phrase "The Department of Industrial Relations" is to be read, because such department has, by the law first above mentioned, been given the powers and duties before had by such commission.

All the statutes printed in this pamphlet are in full force and effect.

The Department of Industrial Relations,

WILLIAM ROBINETT,
Chief, Division of Mines.

NOTICE.

Where there is more than one section relating to the same subject matter, the additional section references have been placed at the end of these sections in parenthesis.

Persons are also requested to consult the [Table of Contents](#) as well as the [Classified Index](#) which is given in minute detail.

Also read carefully the [Penalties](#) which are provided in [Section 976](#) for violation of all laws commencing with duty of County Coroner in [Section 921](#), and ending with [Section 975](#), with the exception of [Sections 968](#), [969](#) and [972](#), for which no penalties are provided.

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RELATING TO CHIEF INSPECTOR OF MINES AND DISTRICT INSPECTORS OF MINES.

Mining Laws of Ohio

Sec. 898. Repealed. (Appointment of chief.)

Sec. 899. [**Qualifications of chief inspector of mines.**] No person shall be appointed chief inspector of mines unless he has a competent knowledge, insofar as such sciences relate to mining, of chemistry, the mineralogy and geology of this state, a practical knowledge of the different systems of working and ventilating mines, the nature and properties of the noxious and poisonous gases in mines, particularly fire-damp, the best means of preventing the accumulation of such gases, and the best means of removing the same. He shall also have had at least five years actual practical experience in mining in this state, shall have a knowledge of mine engineering, and shall have a practical knowledge of the uses and dangers of electricity as

applied at, in, and around mines.

Sec. 900. The Industrial Commission of Ohio shall appoint, with the approval of the governor, and upon recommendation of the chief deputy of the division of mines and mining, five district inspectors of mines in addition to those now in such service, making in all the number of district inspectors of mines seventeen.

Sec. 901. [**Qualifications of district inspectors of mines.**] No person shall be appointed district inspector of mines unless he has been a resident of the district for which he is appointed, for at least two years, has had at least five years' actual practical experience in mining in this state, has a practical knowledge of the best methods of working and ventilating mines, of the nature and properties of noxious and poisonous gases, particularly fire-damp, of the best means of detecting the presence of and preventing accumulation of such gases and the best means of removing the same, and has a practical knowledge of the uses and dangers of electricity as applied at, in and around mines.

Sec. 902. Repealed. (Devoting entire time to duties.)

Sec. 903. Repealed. (Bond.)

Sec. 904. [**Offices of inspectors.**] The chief inspector of mines shall have an office at the seat of government, in which he shall keep the maps and plans of all mines in the state, and all records, correspondence, papers, apparatus, and other property belonging to the state, pertaining to his office, in accessible and convenient form for reference by persons entitled to examine them, all of which he shall deliver to his successor in office. The persons entitled to examine maps, plans, records and papers of a mine, shall be the owner, lessee or agent of such mine; the persons financially interested in such mine; the owner, or owners, of land adjoining such mine; the owner, or owners, of land adjacent to such mine; the owner, lessee or agent of a mine adjacent to such mine; and the authorized representatives of the employes of such mine. The chief inspector of mines shall not permit such maps, plans, records and papers to be removed from his office, and shall not furnish copies thereof to any persons, except by request of the owner, lessee or agent of the mine to which such maps, plans, records and papers pertain. Each district inspector shall keep his office in such place in his district as is central and convenient.

Sec. 905. Repealed. H.B. 249—Sec. 3, 109 O.L.; 105. (Salaries and expenses of inspectors.)

Sec. 906. [**Duties of chief inspector.**] The chief inspector of mines shall designate the counties, or portions thereof, which shall compose the different districts, and may change such districts whenever in his judgment the best interests of the service so require. He shall issue such instructions, and make such rules and regulations for the government of the district inspectors of mines consistent with the powers and duties vested in them by law, as will secure uniformity of action and proceedings throughout all the districts. The chief inspector of mines may order one district inspector of mines to the assistance of any other, or may make temporary transfers of district inspectors of mines, when, in his judgment, the efficiency of the service demands or permits, and with the consent of the governor, may remove any district inspector of mines for reasonable cause. The chief inspector of mines shall give such personal assistance to the district inspectors of mines as they may need, and make such personal inspection of the mines as he deems necessary and his other duties permit. He shall keep in his office and carefully preserve all maps, surveys, reports and other papers, required by law to be filed with him, and arrange and preserve them as a permanent record of ready, convenient and connected reference. He shall, upon receipt of a report of the district inspector of mines, or of a committee of miners, covering the conditions of a mine, promptly mail a copy thereof to the general office of the owner, lessee or agent of such mine. ([Sec. 967.](#))

Sec. 907. [**Duty in case of fatal accident.**] Upon receiving notice from the owner, lessee or agent that a fatal accident has occurred at a mine, the chief inspector of mines shall go, or order one of the district inspectors of mines to go, at once to the mine at which such accident occurred, inquire into its cause, and make a written report setting forth fully the condition of that part of the mine wherein the accident occurred, and the cause thereof. Such report shall be filed by the chief inspector of mines in his office, and a copy mailed to the general office of the owner, lessee or agent of such mine. ([Sec. 921](#), [934](#), [940](#), [951.](#))

Sec. 908. Repealed. (Annual Report.)

Sec. 909. [**Duties of district inspectors of mines.**] Each district inspector of mines shall examine each mine in his district, in which men are employed, as often as practicable, and mines employing more than ten persons, at intervals not exceeding three months between examinations, noting particularly the condition of the boilers and machinery, the location and condition of the buildings, the condition of the workings of the mine, the condition of the traveling and haulways, the circulation and condition of the air and drainage, and shall see that the provisions of this act are complied with. Upon the completion of the examination of a mine, he shall within a reasonable time thereafter, report in writing to the chief inspector of mines, the conditions of the mine, showing the extent to which the provisions of this act are complied with or violated. ([Sec. 913.](#))

Sec. 910. [**District inspectors as sealers of weights and measures.**] The district inspectors of mines are hereby vested with all the powers and authority of county auditors as sealers of weights and measures in the different counties of this state, but shall exercise such authority in

connection with weights and measures at mines, only. Each district inspector of mines may upon his regular examination of a mine, and shall, upon the written request of the duly authorized representatives of the miners, the owner, lessee, or agent, or the interested land owner, test the accuracy of the scales at any time, and post in the weight house a certificate provided by the chief inspector of mines, certifying the condition of the scales, provided that such tests be made at a reasonable time without unnecessary inference with the use of such scales. ([Sec. 941.](#))

[Duty of district inspectors in case of controversy.] In case of a controversy or disagreement between the district inspector of mines, and the owner, lessee or agent of a mine, or persons working therein, or in case of emergency requiring counsel, the district inspector of mines may call upon the chief inspector of mines for such assistance and counsel as is necessary.

Sec. 911. **[Inspectors shall exercise discretion.]** Each inspector shall exercise discretion in the enforcement of the provisions of this act. If he finds that any matter, thing or practice, connected with any mine, and not prohibited by law, is dangerous or defective, (or that from a rigid enforcement of any of the express provisions of this act, such matter, thing or practice would become dangerous or defective), so as in his opinion to tend to the bodily injury of any person, such inspector shall give notice in writing to the owner, lessee, or agent of the mine, of the particulars in which such mine or any matter, thing, or practice connected therewith is dangerous or defective, and require it to be remedied by making such changes as the conditions may require. Provided, however, that in the exercise of the foregoing provisions relating to the application of electricity or electric wires, the judgment of the chief inspector of mines and the district inspector of mines, jointly shall be required. ([Sec. 947-948.](#))

Sec. 912. **[Inspectors shall have access to mines.]** For the purpose of making the examinations provided for in this act, the chief inspector of mines, and each district inspector of mines, may enter any mine at reasonable times, by day or night, but in such manner as will not unnecessarily impede the working of the mine, and the owner, lessee or agent thereof shall furnish the means necessary for such entry and examination.

[Examination of record of minors employed.] The district inspector of mines shall examine the record kept by the mine foreman, of boys under sixteen years of age employed in each mine, and report to the chief inspector of mines, the number of such person employed in and about each mine, and enforce the provisions of this act relative to their employment. ([Sec. 944-953.](#))

"The provisions of Section [912](#), [944](#) and [953](#) G.C. do not permit the employment of children under 16 years of age in, about or in connection with any mine. Such employment is governed by the provisions of [Section 13002](#) G.C."

Opinion No. 885 office of the Attorney General, State of Ohio, December 21, 1917.

Sec. 913. **[Report of district inspector to chief inspector.]** On or before each Monday, each district inspector of mines shall make and file in the office of the chief inspector of mines, a record showing the number of mines in the district examined by him during the preceding week, the number of persons employed in and about such mines, the date of each examination, condition of each mine examined, whether the laws relating to mines and mining are being observed or violated, and, if violated, the nature and extent of such violations, progress made in safeguarding the lives and protecting the health of the employes in and about the mines, together with such other facts of public interest concerning the condition of mines and the development and progress in mining, as he deems proper. ([Sec. 909.](#))

Sec. 914. **[Duties of chief inspector and oil and gas well inspector.]** The chief deputy inspector of mines and the oil and gas well inspector shall designate the townships in the various coal producing counties of Ohio, which shall be considered coal bearing or coal producing townships, to be included under the regulations as prescribed in [section 973](#) relating to the mapping, drilling and abandonment of oil, gas or test wells. The chief deputy inspector of mines shall allow all matter pertaining to the mapping and drilling of oil and gas wells to be under the direct supervision of the oil and gas well inspector, except when wells are to be drilled, or have been drilled directly adjacent to some mining operation, or in case any arrangement for the drilling of an oil or gas well must necessarily be made in mutual understanding and consideration with some mining operation, or whenever the proper protection of the coal deposits is in question.

The oil and gas well inspector shall supervise the granting of permits to drill or abandon a well, the filing and reprinting of maps of oil, gas or test wells, and see that all the provisions relating to the mapping, drilling, and abandonment of such wells are strictly complied with. In any case where the plugging method as outlined in [section 973](#) cannot be applied, or if applied, would be found ineffective in carrying out the intended protection, which the law is meant to give, the oil and gas well inspector may designate the method of plugging to be used, in all such cases causing the abandonment report to show the manner in which the work was done.

The oil and gas well inspector shall designate the counties or townships thereof which shall compose the different districts of the respective deputy oil and gas well inspectors, or change such districts whenever in his judgment the best interests of the service so demands. He shall issue instructions and regulations for the government of the deputy inspectors as will be consistent with the powers and duties vested in them by law, and secure the proper protection which the law intended. The oil and gas well inspector shall give such personal assistance to the deputy inspectors as they may need and make such personal inspection as he deems necessary

throughout all the districts, at any time.

Each deputy oil and gas well inspector shall carry out the instructions of the oil and gas well inspector with reference to the enforcement of the regulations provided in [section 973](#), or other regulations that are deemed necessary to insure the protection which this section intends. Any person, firm or corporation dissatisfied with the ruling of the chief deputy inspector of mines, or the oil and gas well inspector under the provisions of this section shall have the right of appeal to the Industrial Commission of Ohio within ten days from the date of such ruling.

Chief Inspector of Mines Shall Provide and Maintain Rescue Apparatus.

Sec. 915. The chief inspector of mines shall provide and maintain, at the expense of the state, one rescue car fully equipped with not less than twelve approved oxygen breathing devices complete, one recharging equipment for recharging oxygen cylinders, twelve extra oxygen cylinders, two resuscitating outfits complete, forty approved safety lamps, one naphtha tank, twenty portable electric lamps complete, with storage batteries, and all necessary instruments and chemical tests, together with all necessary supplies and appliances therefor. The rescue car with its equipment, shall be stationed at such point as may be designated by the chief inspector of mines, and may be transferred, by his direction, at any time to any point within the state for the purpose of facilitating the efficient inspection of mines and conducting rescue work, and to demonstrate the various appliances and instruct persons in their use in first aid and rescue work.

The rescue car with its equipment shall be continuously in charge of one person who shall be appointed by the chief inspector of mines, with the approval of the governor, and who shall receive a salary of twelve hundred dollars per annum, together with all necessary expenses incurred in the discharge of his duties.

The person in charge of said rescue car shall, before entering upon the discharge of the duties connected therewith, give a bond to the state in the sum of two thousand dollars with two or more sureties approved by the governor conditioned for the faithful discharge of the duties of his office. Such bond with the approval of the governor and the oath of office endorsed thereon shall be deposited with the secretary of state and kept in his office.

(103 O.L. 467.)

Five Rescue Stations to be Provided and Maintained; Equipment of Same.

Sec. 915-1. The industrial commission of Ohio shall provide and maintain at the expense of the state, five rescue stations, each station to be equipped with not less than five approved breathing devices complete, one recharging or refilling pump for recharging oxygen cylinders, five extra oxygen cylinders, one resuscitating outfit, five approved mine safety lamps, five approved electric mine safety lamps complete, one lamp testing cabinet, not less than one thousand feet of three inch hose with standard connection and nozzles complete, one anemometer, one first aid cabinet and supplies, six stretchers with woolen blankets for each, and one automobile truck of sufficient capacity to transport equipment from station to any mine located within the district in which the rescue station is located.

Location of Stations; Superintendent; Salary.

Such rescue stations shall be centrally located within the coal producing counties, so as to cover the largest number of mines within the shortest period of time, and each rescue station shall be continually in charge of a superintendent who shall be appointed by the industrial commission of Ohio with the approval of the governor, who shall receive a salary in a sum equal to that provided for district inspectors of mines, together with all necessary expenses incurred in the discharge of his duties.

Qualifications of Superintendent.

The qualifications of superintendents of rescue stations shall be the same as that of district inspector of mines, namely, that no person shall be appointed superintendent of rescue stations unless he has been a resident of the district for which he is appointed for at least two years, has had at least five years' actual practical experience in mining in this state, has a practical knowledge of the best methods of working and ventilating mines of the nature and properties of noxious and poisonous gases, particularly fire damp, of the best means of detecting the presence of and preventing accumulation of such gases and the best means of removing the same, and has a practical knowledge of the uses and dangers of electricity as applied at, in and around mines.

Duties of Superintendent.

Each superintendent of rescue station shall devote his entire time to the duties of his office, and shall at all times keep the equipment of such station in constant state of repair and be ready to meet any emergency that may arise at any mine at any time, either day or night. He shall teach

and train first aid and rescue crews in the use of first aid and rescue equipment and shall be required to keep his station at all times in a clean and sanitary condition, and subject to such rules and regulations as the industrial commission of Ohio may from time to time establish.

(108 O.L. 1278.)

Sec. 916. [**Action for non-compliance with provisions of this act.**] If the appliances of a mine for the safety of the persons working therein do not conform to the provisions of this act, or if the owner, lessee or agent disregards the requirements thereof, on application by the chief inspector of mines in the name of the state, any court of competent jurisdiction may enjoin or restrain the owner, lessee or agent from operating such mine, until it is made to conform to the provisions of this act. Such remedy shall be cumulative, and shall not affect any other proceedings authorized by law against such owner, lessee or agent for the matter complained of in the action. ([Sec. 927-928.](#))

Sec. 917. [**Failure to make map and forfeiture.**] Upon the refusal or neglect of the owner, lessee or agent of a mine to make and file a map, or any addition thereto, within sixty days after being directed to do so by the chief inspector of mines, as provided for in this act, the chief inspector of mines may cause such map or addition thereto to be made in duplicate at the expense of such owner, lessee or agent, the cost of which shall be recoverable against such owner, lessee or agent, in the name of the chief inspector of mines in any court of competent jurisdiction in the county in which such mine is located, or in Franklin county. ([Sec. 904, 935, 936, 937.](#))

Sec. 918. [**Complaint against district inspector; how made.**] When written charges of neglect of duty, incompetency, or malfeasance in office against any district inspector of mines, are made and filed with the chief inspector of mines, signed by not less than fifteen employes, or an owner, lessee or agent of a mine, the chief inspector of mines shall promptly investigate such charges, and advise in writing, addressed to the complainant whose name appears first in the charges, the result of such investigation.

[**Complaint against chief inspector, how made; appeal.**] When written charges of neglect of duty, incompetency or malfeasance in office against the chief inspector of mines, are made and filed with the governor, signed by not less than fifteen employes, or the owner, lessee or agent of a mine, or if not less than fifteen employes, or the owner, lessee or agent of a mine, having filed charges against a district inspector of mines with the chief inspector of mines, are dissatisfied with the result of the investigation made by him, and appealed to the governor by filing the same charges against such district inspector of mines with the governor, he shall make, or cause to be made, an investigation of such charges, and advise in writing, addressed to the complainant whose name appears first in the charges, the result of such investigation.

Sec. 919. [**Appeal and hoard of examiners.**] After such appeal from the decision of the chief inspector of mines, or after charges have been filed against the chief inspector of mines with the governor, and the result of the investigation made by him, or at his instance, is unsatisfactory to the complainant, and notice thereof is given to the governor in writing by said complainant, accompanied with a bond in the sum of five hundred dollars, payable to the state, conditioned for the payment of all costs and expenses of the investigation of such charges, in the event such charges are not sustained, and signed by two or more responsible freeholders, the governor shall convene a board of examiners, consisting of two practical miners, one chemist, one mining engineer, and one mine operator at such time and place as he directs, giving ten days' notice thereof to the inspector against whom the charges are made, and also to the person whose name appears first in the charges.

[**Duties of board.**] When so convened, and being duly sworn truly to try and decide upon the charges made, the board of examiners shall summon any witnesses desired by either party, and examine them, on oath, administered by a member of the board. Depositions may be read on such examination as in other cases. The board shall examine fully into the truth of such charges and report the result of its investigation to the governor; and, according to its finding, award the costs and expenses of such investigation against the inspector or the persons signing the bond. The costs and expenses of such investigation shall include a compensation of five dollars per day for each member of the board, for the time occupied in the trial, and in traveling to and from his home, together with all legitimate expenses which shall be paid from the state treasury on the certificate of the president of such board. The attorney general shall proceed to collect such costs and expenses, and pay them into the state treasury.

Sec. 920. [**This act shall not create new office or displace any officer.**] No change herein made in the name of an office existing when this act takes effect shall create a new office. The incumbents of offices when this act takes effect, the duties of which are herein defined, or the filling of which is herein provided for, shall hold their respective offices for the full term for which they were severally elected or appointed, the same as if this act had not been passed.

RELATING TO COUNTY RECORDER AND COUNTY CORONER.

Sec. 921. [**Duty of Recorder.**] The recorder of the county, when presented with a map of an abandoned mine, by the owner, lessee or agent thereof, as provided for in this act, shall properly label, file and preserve the same as a part of the records of the land upon which said mine is

located. ([Sec. 937.](#))

[Duty of coroner.] Upon receiving notice of a death occurring at a mine, as provided for in this act, the coroner shall hold an inquest forthwith upon the body of such person, inquire carefully into the cause of his death, and within ten days after such inquest, return a copy of his findings, with a description of the body, and all the testimony before him, to the chief inspector of mines. Upon request of the owner, lessee or agent of the mine where such person was employed, shall furnish a copy thereof to such owner, lessee or agent, for which such coroner shall be entitled to a fee of ten cents per legal cap page, but in no case more than five dollars for any one inquest, for copy furnished owner or lessee. ([Sec. 940](#); Penalty, [Sec. 976.](#))

RELATING TO OWNER, LESSEE OR AGENT.

Sec. 922. **[Ventilation of mines.]** The owner, lessee or agent of a mine, shall provide and maintain the necessary artificial means of capacity and power capable of supplying the required ventilation, and shall maintain a sufficient volume of air, not less per minute than one hundred and fifty cubic feet for each person, and five hundred cubic feet for each animal working therein, measured at the intake, and distributed so as to expel or dilute and render harmless, explosive, poisonous and noxious gases.

[Additional requirements where fire-damp is present.] The owner, lessee or agent of a mine generating fire-damp, so as to be detected by a safety lamp, shall, in addition to the foregoing, provide and maintain not less than fifty cubic feet of air per minute for each person working therein. ([Sec. 923, 924, 952](#); Penalty, [Sec. 976.](#))

Sec. 923. **[Ventilating appliances.]** In each mine, the doors used in assisting or directing the ventilation thereof, shall be hung so that they will close themselves, and shall be kept closed except while persons or cars are passing through same. Each door, not operated automatically, through which cars are required to pass, shall have an attendant, whose first duty shall be to open it for transportation, and prevent it from standing open longer than necessary for cars to pass through, and, persons in charge of cars passing through automatic doors shall be required to keep a close watch over such doors, and if any such door fails to close, they shall promptly close same and report such fact to the mine foreman. This shall not prevent the attendant from performing other duties, provided the door is not kept open longer than is necessary for cars to pass through. Where necessary, a refuge place shall be provided at each door for the safety of the attendant. ([Sec. 943, 958](#); Penalty, [Sec. 976.](#))

Sec. 924. **[Ventilation of mines while persons working therein.]** At each mine where the ventilation is not continuous, it shall be started a sufficient length of time prior to the appointed time for any person, or persons, working therein to enter, to clear the mine of explosive, poisonous and noxious gases, and shall be kept in operation a sufficient length of time after the appointed time for such employes to leave their working places, for all persons to be out of the mine. ([Sec. 922, 923, 952](#); Penalty, [Sec. 976.](#))

[Pressure gauges.] At each mine generating fire-damp so as to be detected by a safety lamp, and wherein twenty or more persons are employed, a recording pressure gauge for the purpose of recording the pressure or vacuum of the main air current, shall be provided and maintained, which shall be kept in constant use, and records preserved for ninety days, subject to the inspection of the chief inspector of mines and the district inspector of mines. (Penalty, [Sec. 976.](#))

Sec. 925. **[Competent person or persons shall be designated as fire-boss.]** The owner, lessee or agent of a mine generating fire-damp so as to be detected by a safety lamp, shall designate a competent person or persons as fire boss or fire bosses, who shall make a thorough examination of each working place in the mine every morning with a standard safety lamp, not more than three hours prior to the appointed time for the employes to enter the mine. As evidence of such examination, the fire boss shall mark with chalk upon the face of the coal, or in some other conspicuous place, his initials and date of the month upon which the examination is made. If there is any standing gas discovered, he must leave a danger signal across every entrance to such place.

[Examination of other than working places.] Each mine generating fire-damp so as to be detected by a safety lamp, shall be kept free from standing gas. All traveling ways, entrances to old workings, and places not in the actual course of working, shall be carefully examined with a safety lamp by the fire boss not more than three hours before the appointed time for persons employed therein to enter. Parts of the mine not in the actual course of working and available, shall be examined not less than once each three days, and shall be so fenced as to prevent persons from inadvertently entering therein. ([Sec. 955, 959](#); Penalty, [Sec. 976.](#))

Sec. 926. **[Breakthroughs and brattices.]** From a point where the seam is reached in the opening of a mine, to a point not exceeding a distance of four hundred feet therefrom, breakthroughs shall be made between main entries, where there are no rooms worked, not more than one hundred feet apart, provided such entries are not advanced beyond the point where the breakthrough will be made until the breakthrough is complete. Breakthroughs between entries, except as hereinbefore provided, shall be made not exceeding sixty feet apart. Where there is a solid block on one side of a room, breakthroughs shall be made between such room and the adjacent room not to exceed sixty feet apart; where there is a breast or group of rooms, a

breakthrough shall be made on one side or the other of each room, except the room adjoining said block, not to exceed forty feet from the outside corner of the breakthrough to the nearest corner of the entrance to the room, and on the opposite side of the same room a breakthrough shall be made, not to exceed eighty feet from the outside corner of the breakthrough to the nearest corner of the entrance to the room, and thereafter breakthroughs shall be made not to exceed eighty feet apart on each side of the room. No working place, except those provided for within a distance of four hundred feet of the principal openings of a mine, shall be driven more than eighty feet in advance of a breakthrough or air-way. The required air current shall be conducted to the breakthrough nearest the face of such entry or room. All breakthroughs between entries, and when necessary between rooms, except the one nearest the working face, shall be closed and made air-tight by brattice, trap doors or other means, so that the current of air in circulation may sweep to the interior of the mine. Brattices between permanent inlet and outlet airways shall be constructed in a substantial manner of brick, masonry, concrete, or non-perishable material. In mines generating fire-damp, so as to be detected by a safety lamp, the air current shall be conducted by brattice, or other means, near enough to the working face to expel the fire-damp, and prevent the accumulation of the same. (Penalty, [Sec. 976.](#))

Sec. 927. [**Safe appliances for hoisting persons.**] The owner, lessee or agent of a mine shall provide and maintain safe appliances, approved by the district inspector of mines, for the ingress and egress of persons in each shaft, designated by such owner, lessee or agent as a means of ingress and egress for persons employed therein. When there is but one shaft available for ingress and egress from any unavoidable cause, the appliances therein shall be kept available to persons therein employed at all times. When such appliances in any shaft are rendered unavailable from any cause, the same shall be restored without delay.

[**Emergency appliances.**] When the only means of egress is by vertical shaft, in which cages or elevators are used as a means of hoisting persons therein employed, and the power for operating same is derived from but one source, the owner, lessee or agent shall provide and keep on hand for use in the event of an accident to the hoisting apparatus or the power by which same is operated, a suitable windlass, capable of hoisting the persons from the mine.

[**Competent engineers.**] The owner, lessee or agent of a mine worked by a shaft or slope, shall put in charge of an engine used for lowering into or hoisting out of such mine persons employed therein, only experienced, competent and sober engineers. ([Sec. 916, 928](#); Penalty, [Sec. 976.](#))

Sec. 928. [**Metal speaking tube and safety appliances.**] The owner, lessee or agent of a mine operated by shaft, shall provide and maintain a metal tube suitable for conversation between persons, connecting the engine room with the top and bottom of such shaft; an approved safety catch, a sufficient cover, and rings or other adequate handholds for ten persons, on all cages used for lowering and hoisting persons: Such cages to be protected on each side by a boiler plate not less than one-fourth inch in thickness, and not less than three feet high, and shall provide an approved safety gate at the top of each shaft, an adequate brake to control the drum used for lowering or hoisting persons in shafts or slopes, and an indicator on all machines used for such purpose, to show the location of cages in shaft or slope. No cage having an unstable or self-dumping platform shall be used for the carriage of persons unless such platform is securely locked. ([Sec. 916, 927](#); Penalty, [Sec. 976.](#))

Sec. 929. [**Hoisting and lowering of persons.**] The owner, lessee or agent of a mine, at which the only means of ingress and egress for the persons employed therein is by a vertical shaft or shafts, of fifty feet or more in depth, shall designate one or more persons whose duty shall be to attend to the lowering and hoisting of persons into and out of such mine, and give and receive the proper signals, governing the movement of the cage while engaged in handling men. Not more than ten persons shall be lowered or hoisted at any one time. The lowering of persons shall begin in time for persons to reach their working places by hour appointed for mine to commence work and continue until starting time. Hoisting of persons shall commence at time for mine to cease work, and continue until all have had time to be hoisted. Persons may be hoisted at such other times as will not interfere with the hoisting of coal, or other products. No person shall be lowered into or hoisted out of a mine, with powder, explosives, tools or material on any cage, in the same shaft, and no person shall be lowered or hoisted in a vertical shaft in a mine car. When the vertical shaft is less than fifty feet in depth, and a stairway approved by the district inspector of mines is not provided, the owner, lessee or agent shall be required to lower or hoist persons, as above prescribed, but when such stairway is provided, the hoisting of persons shall not be required.

Sec. 930. [**Owner, lessee or agent shall provide second opening.**] The owner, lessee or agent of a mine shall not employ or permit any person to work therein except as hereinafter provided, unless to every seam worked in such mine there are at least two openings, separated by natural strata of not less than one hundred feet in breadth at any point, by which distinct means of ingress and egress are always available to the persons therein employed. Such openings need not belong to the same mine so long as the persons employed therein have safe, ready and available means of ingress and egress, by not less than two openings, provided, however, that no air shaft with a ventilating furnace at the bottom be designated or used as a means of ingress or egress. The provisions of this section shall not apply to opening a new mine while being worked for the purpose of making the second opening and the communication therewith, and the making of the landing or bottom and extending of the main entries one hundred feet while such communication is being made; to a mine in which the second opening has become unavailable from any cause

while said second opening is being restored or another is being made; nor to a mine in which the second opening has become unavailable by reason of the final robbing of the pillars previous to abandonment, so long as not more than twenty persons in either case are employed therein at one time.

[Fire protection to shafts.] At each mine at which the only means of egress is by vertical shaft, the owner, lessee or agent shall provide adequate fire protection to secure the safety of such shaft, or shafts, and, when but one shaft is the only available means of egress, shall keep in attendance a competent person at all times while persons are inside of such mine. (Penalty, [Sec. 976.](#))

Sec. 931. **[Separate traveling ways.]** The owner, lessee or agent of a mine shall provide and maintain, in safe condition for the purpose provided, two separate and distinct traveling ways from the interior workings of the mine, each of which shall be available to not less than one opening to the surface. One of such traveling ways may be designated by such owner, lessee or agent as the principal traveling way. One of such traveling ways may be designated as the escapement way. The provisions of this section shall not prohibit such owner, lessee or agent from designating more than one principal traveling way, or more than one escapement way, so long as the provisions hereof are complied with.

[Traveling ways and refuge holes.] The owner, lessee or agent of a mine worked by shaft, shall provide and keep free from obstruction, a traveling or passage way from one side of the shaft bottom to the other. Slopes and mechanical haulage ways used as traveling ways by persons employed in a mine shall be made of a sufficient width to give not less than three feet of space between the rib and adjacent rail of track to permit persons to pass moving cars with safety. If found impracticable to make such slopes or mechanical haulage ways of sufficient width as provided, refuge holes not less than six feet in width and clearing the adjacent rail of the track not less than four feet, and not more than sixty feet apart, shall be made on one side of the slope or mechanical haulage way and whitewashed. The refuge holes shall be kept free from obstruction, and the roof and sides made secure. ([Sec. 932](#), [959](#); Penalty, [Sec. 976.](#))

Sec. 932. **[Detached locomotive from moving train. Traveling way where locomotive is detached.]** At a mine, or in any part thereof, where a locomotive is detached from a moving train of cars for the purpose of dropping such cars past the locomotive, and the haulage way at such point is designated as the principal traveling way, a traveling way, not less than three feet wide and separated from the track by a pillar of coal or substantial fence, shall be provided at one side of that portion of the track from where the locomotive will be detached to the switch of the siding. Such traveling way shall be made on the same side of the track as the refuge holes. In no case shall a locomotive be detached from a train of moving cars, for the purpose of making a drop thereof, more than one hundred feet from the switch of the siding. ([Sec. 931](#), [959](#); Penalty, [Sec. 976.](#))

[Additional means of egress when inundation is probable.] At any mine where there is a stream or body of water on the surface, or in the workings of a mine, at a higher level, which is likely to break through into such mine and inundate either the traveling or escapement way of such mine, so as to prevent the egress of persons employed therein, the owner, lessee or agent, shall, upon the written order of the chief inspector of mines, provide and maintain an additional opening by means of which such persons may escape without using the traveling or escapement way likely to be inundated. ([Sec. 950](#); Penalty, [Sec. 976.](#))

Sec. 933. **[Duties of owner, lessee or agent relating to supplying timber.]** The owner, lessee or agent of a 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 timbers necessary to securely prop the roof thereof: Such props, caps, and other timbers, shall be delivered in mine cars at point where the miner receives his empty cars, or unloaded at the entrance to the room. ([Sec. 953](#), [956](#); Penalty, [Sec. 976.](#))

Sec. 934. **[Provisions for persons injured at mines.]** The owner, lessee or agent of a mine at, in or around which, more than ten persons are employed, shall furnish for each thirty-five men so employed a properly constructed stretcher, a woolen blanket, a waterproof blanket, a sufficient quantity of bandages and linen and such other necessary requisites for use in case of accident as may from time to time be prescribed by the industrial commission of Ohio. At mines generating fire-damp so as to be detected by a safety lamp, a sufficient quantity of olive or linseed oil shall be kept for use in emergencies. It shall be the duty of each mine foreman to keep in a safe and dry place in the territory over which he has charge such stretchers, woolen and waterproof blankets and other supplies. He shall care for the same and keep them in a dry and sanitary condition always ready for use. ([Sec. 907](#), [921](#), [940](#), [951](#); Penalty, [Sec. 976.](#))

Sec. 934-1. **[Owner, lessee or agent shall provide and maintain wash room.]** Every owner, operator, lessee or agent of a coal mine, where ten or more persons are employed, shall provide and keep in repair a wash room, convenient to the principal mine entrance, adequate for the accommodation of the employes, for the purpose of washing and changing their clothes when entering and returning from the mine. Such wash room shall be properly lighted and heated, supplied with warm and cold water and adequate and proper facilities for washing purposes.

Sec. 934-1a. **[Penalty.]** Whoever, being the owner, operator, lessee or agent of a coal mine where ten or more persons are employed, fails or neglects, after ninety days from the taking

effect of this act, to comply with the provisions of [section 934-1](#) of the General Code, or violates any of the provisions thereof, shall be fined not less than two hundred nor more than five hundred dollars.

(This act became effective June 16, 1921.) (109 O.L. 22.)

Sec. 934-2. [**Owner, lessee or agent shall install telephone system.**] Every owner, operator, lessee or agent of a coal mine, where twenty or more persons are employed, shall install, and maintain in efficient working condition, a telephone connecting each main switch of such mine with an outside telephone so connected and maintained as to permit communication with persons outside of the mine with persons on the main switch or switches or other points inside of the mine that may be designated by the district mine inspector.

Sec. 934-3. [**Penalty.**] Whoever, being the owner, operator, lessee or agent of a coal mine, where twenty or more persons are employed, fails or neglects, after six months from the taking effect of this act, to comply with the provisions of [section 934-2](#) of the General Code, or violates any of the provisions thereof, shall be fined not less than two hundred nor more than one thousand dollars.

(This act became effective June 22, 1921.) (109 O.L. 48-49.)

Sec. 935. [**Owner or lessee shall make map of mine.**] The owner, lessee or agent of a mine having an excavation of fifteen thousand cubic yards, or more, shall cause to be made, on a scale of not less than two hundred feet per inch, an accurate map thereof, which shall show the following: The boundary lines and names of the owners of the surface of each tract under which excavation is made, and for not less than five hundred feet contiguous thereto, and under which excavations are likely to be made during the ensuing year, together with all streams and bodies of standing water; the township and county lines coming within the limits of such map, with the name of each plainly marked close to and parallel with such lines; the title, the name or number of the mine, or both, the township and county in which located; the section lines, with the number of each, marked plainly within the sections; the location of the mine openings, railroad tracks, public highways, oil and gas wells, magazines and buildings, and plainly marked with name of each; the location and extent of the excavations and connection with the surface survey; the direction of the air current, or air currents by arrows; the location and extent, so far as known or obtainable, of the excavation of any other mine or mines within the limits of the map; the boundary lines of the tracts of coal owned or leased within the limits of the map; the elevation of the floor of the excavation, above mean tide at Sandy Hook, at or near the boundary line or lines of the coal owned or leased where the coal is adjacent to coal owned by a person, firm or corporation, other than the owner or lessee of such mine, and where the excavations of such mine cease or may be approached by another mine, at points not exceeding three hundred feet apart, and referenced to some permanent monument near the main opening of such mine, and shown on the map and plainly marked bench mark, with the elevation of same. ([Sec. 904](#), [917](#), [936](#), [937](#); Penalty, [Sec. 976](#).)

Sec. 936. [**Addition to map, and certificate of engineer and mine-foreman.**] The owner, lessee or agent of a mine shall cause to be made, a map or an addition to the next previous map thereof, annually, and semi-annually if so directed in writing by the chief inspector of mines, showing the excavations and the information required by the [preceding section](#), to date of survey. The map, or maps, required by this and the [preceding section](#), and any addition thereto, shall have the certificate of the engineer making same, and of the mine-foreman in charge of the mine at the time of the survey, acknowledged before, a notary public or justice of the peace, thereon in the following form:

I, the undersigned, hereby certify that this map is correct, and shows all the information required by section nine hundred and thirty-five of the General Code, and covers the period ending

.....
Engineer.

Acknowledged before me a this day of

I, the undersigned, hereby certify that I am a mine-foreman at the mine represented by this map, and to the best of my knowledge and belief the same correctly represents the excavations of the mine for the period ending

.....
Mine-Foreman.

Acknowledged before me a this day of

.....

(Sec. 904, 917, 937; Penalty, Sec. 976.)

Sec. 937. [**Owner, lessee or agent shall file map of abandoned mine with county recorder**

and chief inspector of mines.] The owner, lessee or agent of a mine, before the pillars are drawn previous to the abandonment of a mine, or any part thereof, shall cause to be made a correct map of such mine, or part thereof, showing its area and workings to the day of the abandonment; the pillars drawn previous to abandonment; and file such map within ninety days after the abandonment of such mine, in the office of the Recorder of the county where such mine is located, and with the chief inspector of mines at his office. Such map shall have attached thereto the usual certificate of the mining engineer making it, and the mine-foreman in charge of the underground workings of the mine, and such owner, lessee or agent shall pay to the Recorder for filing such map, a fee of fifty cents. ([Sec. 921.](#))

[Copy of map to be filed with chief inspector.] The owner, lessee or agent of a mine shall keep at the office thereof, open to the inspection of the chief inspector of mines, and the district inspector of mines, a copy of the latest map of such mine, with any addition thereto, and shall furnish a copy thereto to the chief inspector of mines at his office. ([Sec. 904](#), [917](#), [935](#), [936](#); Penalty, [Sec. 976.](#))

Precaution when approaching abandoned mine.

Sec. 938. 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 within a distance of one hundred feet thereof, and such abandoned mine cannot be explored, or when same contains fire-damp, 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 place after taking out each cut or crossing. Whenever the limits of the workings of an abandoned mine are not known by actual survey, the above rule shall apply whenever any working place approaches within one hundred and fifty feet of the supposed limits of such abandoned mine. In addition to the precautions provided for in this act when approaching or working parallel with such an abandoned mine, the owner, lessee or agent shall, upon the demand of the chief inspector or district inspector of mines, provide competent shot firers to do the shot firing in all the working places advancing or running parallel with such abandoned mine; the shot firing to be done when all other workmen are out of the mine. The chief inspector or district inspector of mines shall order shot firers at any mine when in their judgment the safety of property or employes require same. (103 O.L. 500.)

Sec. 939. **[Notice must be sent to chief inspector in certain cases.]** The owner, lessee or agent of a mine shall give notice to the chief inspector of mines in the following cases: When a change occurs in the name of the mine, in the name of the owner, lessee or agent thereof, or in the officers of an incorporated company owning or operating such mine; when a working is commenced for the opening of a new shaft, slope or mine; when a mine is abandoned, or the working thereof discontinued; when the working of a mine is commenced, after an abandonment or discontinuance thereof for a period of more than three months; when the pillars of a mine are about to be removed or robbed; when a squeeze, crush, or fire occurs, or a dangerous body of gas is found, or any cause or change that may seem to affect the safety of persons employed therein. ([Sec. 940](#); Penalty, [Sec. 976.](#))

Sec. 940. **[Notice of accidents.]** The owner, lessee or agent of a mine at which loss of life occurs by accident, shall give notice thereof, by telegram, forthwith, to the office of the chief inspector of mines, and to the coroner of the county in which such accident occurs; and, within twenty-four hours next after loss of life or personal injury has occurred, the owner, lessee or agent of the mine shall send to the chief inspector of mines a report in writing, of the accident, specifying the character and cause thereof, the names of the persons killed or injured, and the nature of the injuries. If a personal injury thereafter results in the death of the person injured, as soon as such death comes to his knowledge, the owner, lessee or agent shall give notice thereof forthwith, in writing, to the chief inspector of mines, and to the coroner of the county in which such accident occurred. ([Sec. 907](#), [921](#), [934](#), [951](#); Penalty, [Sec. 976.](#))

[Return of owner, lessee or agent.] The owner, lessee or agent of a mine, shall, on or before the thirty-first day of January of each year, send to the office of the chief inspector of mines, upon blanks furnished by him, a correct return, specifying with respect to the year ending on the preceding thirty-first of December, the quantity of coal mined, and the number of persons ordinarily employed at, in, and around such mine, distinguishing the persons below and above ground, and give such other information as required by such blanks. (Penalty, [Sec. 976.](#))

Sec. 941. **[Test weights to be provided.]** The owner, lessee or agent of a coal mine, at which the earnings of ten or more persons depend upon the weights of coal mined, shall provide and keep accessible for the purpose of testing the weigh scales as provided elsewhere in this act, the following standard test weights, properly sealed: Where the coal mined is weighed upon hopper or pan scales, two standard test weights of fifty pounds each; where the coal mined is weighed upon railroad track scales, ten standard test weights of fifty pounds each. ([Sec. 910.](#))

[Owner, lessee or agent shall provide safety lamps.] The owner, lessee or agent of a mine generating fire-damp, so as to be detected by a safety lamp, shall keep on hand in proper condition for use, not less than four approved safety lamps, and upon request of the district inspector of mines, shall provide such additional safety lamps as in his judgment may be required

to meet any probable emergency.

[Owner, lessee or agent shall provide shields on mining machines.] The owner, lessee or agent of a mine, shall provide and maintain a sufficient shield on each mining machine used in such mine, as may be authorized by the chief inspector of mines, or the district inspector of mines, for the protection of those employed in operating same. ([Sec. 957](#); Penalty, [Sec. 976](#).)

SIGNAL CODE.

Sec. 942. **[Signals at mines, how conducted; devices to be used.]** At each mine operated by shaft, the means of signaling to and from the bottom man, the top man, and the engineer shall consist of a tube, or tubes, or wire encased in wood or iron pipes, through which signals shall be communicated by electricity, compressed air, or other devices. The following signals are provided for use at mines where signals are required:

SIGNAL CODE.

From the Bottom to the Top.

[One ring or whistle.] One ring or whistle from the bottom to the top shall signify to hoist coal or the empty cage, and also to stop either when in motion.

[Two rings or whistles.] Two rings or whistles shall signify to lower cage.

[Three rings or whistles.] Three rings or whistles shall signify that men are coming up; when return signal is received from the engineer, men will get on the cage, and cager 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 a call for a stretcher.

From the Top to the Bottom.

[One ring or whistle.] One ring or whistle from the top to the bottom shall signify: All ready, get on cage.

[Two rings or whistles.] Two rings or whistles shall signify: Send away empty cage.

[Addition to code, when allowed; code must be posted at top and bottom.] Provided, that the management of any mine, may, with the consent of the district inspector of mines, add to this code of signals in his 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 must be furnished by the mining department, conspicuously posted at the top and at the bottom and in the engine room, for the information and instruction of all persons concerned.

[Emergency signal in shafts.] At each mine where persons are hoisted in a vertical shaft, an emergency signal shall be provided in such manner that persons can give signals from the cage, in the event that cage is stopped between the top and bottom landings. ([Sec. 929](#); Penalty, [Sec. 976](#).)

Sec. 943. **[Lights in mines.]** The owner, lessee or agent of each mine shall provide an enclosed lamp or signal oil lamp or lantern or incandescent electric light at such point or points in the mine as may be necessary for the proper safety of persons, especially at the top of extreme grades. No open light shall be used for fixed or stationary purposes; no open torches or lamps larger than the lamps provided for in this act for use as open lights, and no coal oil or kerosene lamp or lanterns, shall be used in a mine. This, however, shall not prevent the use of a torch or blow-torch for mechanical purposes other than illumination. ([Sec. 961](#).)

[Light or signal on locomotives and trains.] The owner, lessee or agent of a mine at which locomotives are used for hauling the coal, shall keep a light on the front end of the locomotive when it is in use, and when the locomotive is run ahead of the trip, and the trip-rider is not required to ride the rear car of the trip, a signal, light or marker, approved by the district inspector of mines, shall be carried on the rear end of the trip to indicate when the trip has passed. Cars shall not be pushed ahead of the locomotive where it can be avoided, and when cars are run ahead of the locomotive a light shall be carried on the front end of the trip and the cars shall not be moved at a speed greater than four miles per hour. When rope haulage is used, an enclosed light shall be carried on the front end of each train so hauled. When a mechanical haulage trip passes through an automatic door having no attendant other than persons in charge of such trip, the trip-rider shall be required to ride the rear car of the trip while passing through such door, and see that it closes after the trip passes through. ([Sec. 923](#), [958](#); Penalty, [Sec. 976](#).)

Sec. 944. **[Employment of minors.]** The owner, lessee or agent of a mine shall not employ, or

permit to work therein, any boy under fourteen years of age; nor employ, or permit to work therein, any boy under fifteen years of age during a term of the public schools, in the district in which he resides. ([Sec. 912](#), [953](#).) (See Child Labor Law, [Sec. 13002](#), page —).

"The provisions of [Section 912](#), [944](#) and [953](#) G.C. do not permit the employment of children under 16 years of age in, about or in connection with any mine. Such employment is governed by the provisions of [Section 13002](#) G.C."

Opinion No. 885 office of the Attorney General, State of Ohio, December 21, 1917.

[Removal of combustible matter.] Whenever an entry or air-way becomes so dry that the air becomes charged with dust, the owner, lessee or agent shall cause such entry or air-way to be sprinkled, and all accumulated matter, explosive in its nature, shall be removed from the mine. ([Sec. 956](#).)

[Quantity of oil in mine restricted.] No oil shall be taken into or stored in a mine except as may be required to be opened for use within two days thereafter; and in no case shall more than two barrels of oil be kept at any one place, and not more than ten barrels of oil shall be had in a mine at any one time. All waste oil and empty barrels shall be promptly removed from the mine. ([Sec. 974](#), [975](#).)

[Location of boilers at mine.] The permanent boilers used for generating steam, and the buildings containing the boilers, shall not be nearer than sixty feet to any mine opening or to a building or inflammable structure connected with or surrounding such opening. (Penalty, [Sec. 976](#).)

Sec. 945. **[Relating to underground stables.]** The owner, lessee or agent of a coal mine at which the live stock is kept underground, shall observe the following: The stable or stall shall be separated from the main inlet and main outlet air-courses by not less than twenty feet of solid strata or a solid wall of brick or masonry not less than twelve inches in thickness, except at two doors not more than five feet wide, which shall be made of steel plate not less than one-quarter inch in thickness and hinged to the solid strata or masonry without the use of wood; the ventilation for the stable shall be taken from main inlet air-course by a by-pass or separate split and returned to the main outlet air-course so that the air passing the stables will not enter the inward working places of the mine, and arranged so that the by-pass or split can readily be closed at both inlet and outlet sides of the stable by steel doors hinged to the solid strata or masonry without the use of wood; the construction of the stable inside shall be free from pine or light lumber; shall be of brick or masonry as much as practicable, and any timber used shall be of hardwood of a cross section not less than three by six inches; no hay or straw shall be taken into the mine or stable unless same be compressed into compact bales, and then only from time to time in such quantities as will be required for two days' use; no greater quantity of hay or straw shall be stored in the mine or stable, and when such is taken into the mine it shall be taken inside the stable at once; the lights used in the stable shall be incandescent electric lamps, placed so that same will not be injured by the stock or by persons required to enter the stable, or lanterns of railroad type suitable for using lard or signal oil, and only such oil shall be used therein; all refuse and waste shall be promptly removed from the stable and the mine, and shall not be allowed to accumulate. Stables constructed underground after the passage and approval of this act, shall be located not nearer than one hundred and fifty feet of any opening to the mine used as a means of ingress or egress. ([Sec. 955](#), [960](#); Penalty, [Sec. 976](#).)

Sec. 946. **[Relating to use of gasoline in mines.]** No gasoline, naphtha or kerosene engine shall be used in a mine, except for operating pumping machinery where electric, compressed air or steam power is not available or cannot be transmitted to the pump, and then the owner, lessee or agent shall observe the following: Notice shall be made to the chief inspector of mines before installing, and the installation and operation shall be subject to his approval: No wood or inflammable material shall be permitted nearer than twenty-five feet of the engine: The supply tank from which the gasoline, naphtha or kerosene is fed to the engine, shall be of metal, with a suitable screw cap opening, fitted with a gasket, so as to make the tank air-tight and prevent the escape of gas into the atmosphere, and the tank kept free from leaks: the gasoline, naphtha or kerosene shall be fed from a tank to the carburetor or mixer by metal tubes securely connected so as to reduce the possibility of leaks to a minimum: The exhaust from the engine shall be conducted by means of metal pipes into the return air current, so that the fumes of combustion will not enter the workings of the mine where the men are required to work, or be conducted in an upcast shaft or slope not used as a means of ingress or egress, or through metal pipes to the surface: At no time shall there be more than five gallons of gasoline, naphtha or kerosene in the supply tank; at no time shall more than five gallons of same be taken into the mine at any one time, and at no time shall there be more than ten gallons in the mine, including that in the supply tank: No gasoline, naphtha or kerosene shall be taken into the mine except in metallic cans, with a screw cap opening at the top, fitted with a suitable gasket: No package or can, or the supply tank of an engine, containing gasoline, naphtha or kerosene, shall be opened until ready to make the transfer from the package or can to the supply tank, and in transferring, a funnel shall be used so as to avoid spilling the gasoline, naphtha or kerosene, and the cap on the supply tank shall be immediately closed: In no case shall the package, can, or the supply tank, be opened, with any open light or other thing containing fire within twenty-five feet of same. (Penalty, [Sec. 976](#).)

Sec. 947. **[Relating to use of electricity in mines.]** The owner, lessee or agent of a mine in

which electricity is used as a means of power, shall observe the following in the application thereof:

[Trolley wires.] All trolley wires shall be carried at least six inches outside of and parallel with the track rail on the side the trolley wire is located. When regular height is less than six feet six inches from top of rail, the lower side of trolley wire must not exceed six inches from the roof or cross-timber with hangers now in use, with hangers not to exceed twenty-five feet between centers, and the tension sufficient to keep all wires from sagging and to prevent trolley wheel from coming in contact with roof or cross-timbers. All new hangers hereafter installed shall not exceed five inches in depth from lower side of the trolley wire to the roof or cross-timbers.

[Wires crossing traveling ways.] All trolley and positive feed wires crossing places where persons or animals are required to travel, shall be safely guarded or protected from such persons or animals coming in contact therewith.

[Wires opposite rooms and refuge holes.] All trolley and positive feed wires shall be placed on opposite side of track from refuge holes or necks of rooms.

[Bare wires; when not to extend into working places.] No trolley wire shall be extended into or maintained in any room while being used as a working place; no trolley or feed wire shall be extended into any entry beyond the outside corner of the last breakthrough.

[Switches and circuit-breakers.] Switches or circuit-breakers shall be provided to control the current at the mine, and at all important points in the mine.

[Machine feed wires and insulators.] All machine feed wires shall be placed as near the rib and roof or cross-timbers as practicable; the positive wire to be carried not to exceed three inches from the rib and roof or cross-timbers, measured at the insulators, which shall be so placed as to keep the wire at least six inches outside of the track rail on the side the wire is located. Insulators shall be placed not exceeding fifty feet apart, and all wires shall be carried so that same will be not less than six inches outside of the track rail at any point on the side the wire is located. All positive wires shall be carried on glass or porcelain insulators, or insulators equally efficient. All negative wires shall be carried on suitable fixtures, and when carried in same entry as the positive wire, shall be carried on the same side of the entry as the positive wire, and as close to it as practicable. When machine or feed wires are carried in same entry as trolley wire, they shall be placed on the same side as the trolley wire, between trolley wire and rib. Nothing in the foregoing shall require negative wires being carried in same entry with positive wire.

[Wires in shafts or slopes.] When necessary to carry wires down shafts or slopes used as travelways, the wires must be thoroughly cased or protected, so that persons cannot be shocked therefrom.

[Wires; how placed in rooms.] Positive machine feed wires, when extended into rooms, shall be placed not nearer than four feet of the track, where the room is of sufficient width, and the same shall only be connected to the positive wire or wires on the entry while in actual use. The material used for making such connection shall be of sufficient length to reach across the entry, and when same is disconnected, it shall be kept with the machine operating at such point or working place. No electric wires shall be extended into any room unless a one hundred and fifty foot cable will not reach the face of the room, and then not beyond the outside corner of the last breakthrough.

[Protection of terminal ends.] All terminal ends of positive wires shall be guarded so as to prevent persons inadvertently coming in contact therewith.

[Connection of negative wires, pipe lines and track. Bonding of track.] The bonded track, the negative wires and metallic pipe lines, when coming near each other, may be connected together at intervals not exceeding five hundred feet, and any track used as the return or earth system shall be properly bonded. In no case shall a pipe line, or any part thereof, be used exclusively as the return, and when connected to the earth system, the negative wire or bonded track shall be of ample capacity, exclusive of the pipe line, to carry the current.

[Trolley wires; how erected.] The trolley wire shall be carried upon hangers or other fixtures which will properly insulate it from contact with the roof or other substances, and so the trolley wheel can trail without the necessity of being constantly attended for that purpose, and no trolley shall be run on any wire not so carried.

[Locomotive must not be operated improperly.] No locomotive shall be operated by means of a person holding and sliding upon or frequently making contact with the positive wire with any device attached to the cable as a substitute for a trolley, but these provisions shall not prohibit the operation of a locomotive by means of a cable without the use of the trolley, provided the cable be connected to and disconnected from the positive wire when the locomotive is not in motion.

[Protection to machine cable crossing entry track.] Means shall be provided by which machine runners may readily carry the machine cable from the machine to the feed wires on one side of the entry, either under or over the track rails, in the entry where such wires are located, and so the cable will not come in contact with such track rails, thereby reducing the danger of shock to persons or animals required to travel such entry, to the minimum. ([Sec. 911](#), [948](#); Penalty, [Sec. 976](#).)

Sec. 948. [**Voltage at mines hereafter electrically equipped.**] The owner, lessee or agent of a mine at which electricity with a pressure or potential of more than three hundred and twenty-five volts, or alternating current, is used, shall in addition to the provisions of the preceding section, observe the following:

[**Limit to voltage in or about working places.**] At each mine equipped with electric power after the passage and approval of this act, the current used to operate gathering locomotives, mining machines, shearing machines, drills and other machinery, used in or about the working places of the mine, shall not exceed in pressure or potential, three hundred and twenty-five volts, direct current, as shown at the nearest switchboard, and the wires conducting the power from the nearest switchboard shall not carry a higher pressure or potential.

[**Relating to alternating current.**] At each mine equipped with electric power alternating current may be used to convert alternating current to direct current, and to operate motors permanently installed above ground and in underground substations, or buildings especially prepared for them, in a manner subject to the approval of the chief and district mine inspectors, but no wires carrying alternating current shall be used underground except same be carried in an entry or passageway where persons and animals are not permitted to travel.

[**Relating to higher voltage mines hereafter equipped.**] At each mine equipped with electric power after the passage and approval of this act, when the current used to operate haulage locomotives, pumps and other machinery not located in or about the working places of the mine, is of a pressure or potential in excess of three hundred and twenty-five volts, direct current, the entry or passage way where such wires are carried shall not be designated or permitted to be used as the principal traveling way, and when designated or used as the escapement way, the wires shall be protected so that persons required to travel near same in emergencies will not inadvertently come in contact therewith. No pressure in excess of six hundred and fifty volts at the switchboard shall be used underground.

[**Relating to higher voltage, mines heretofore equipped.**] At each mine equipped with electric power prior to the passage and approval of this act, where the pressure or potential is in excess of three hundred and twenty-five volts, direct current, or where alternating current is used, and the conditions surrounding the use of same are such, in the opinion of the chief inspector of mines, that the provisions of the preceding section do not provide the required protection from shock to persons employed therein, such additional safeguards shall be employed as may be required by the chief inspector of mines, and the district inspector of mines, jointly. ([Sec. 911, 947](#); Penalty, [Sec. 976](#).)

Sec. 949. [**Relating to construction of new mines.**] Any person, firm or corporation beginning the opening of a mine, whether such person, firm or corporation be the owner, lessee or agent of the property upon which such mine is located, or not, shall observe the following in the construction of such mine: If the opening be a slope or vertical shaft, no explosive used therein shall be fired by means of a squib or fuse after the same is extended more than twenty-five feet from the surface, and thereafter and until the slope or shaft reaches the seam, and the entry or landing be extended beyond a breakthrough or other place driven at right angles thereto, no explosive shall be fired except by means of an electric battery operated from the surface after all persons are on the surface. A substantial structure to sustain sheave wheels or pulleys, ropes and loads, shall be provided, and if the opening be a shaft, the same shall be placed at a height of not less than twenty feet above the tipping place. A landing platform shall be arranged in such manner that no material can fall into the shaft while the bucket is being emptied, and in no case shall the shaft be sunk to a depth of more than thirty feet without such structures. If the bucket used for hoisting material is to land on a truck, the track on which said truck is operated, and the platform, shall be so constructed that material cannot fall into the shaft. Rock and coal shall not be hoisted from a shaft or slope except in a bucket or cage attached to the rope by a safety hook, clevis, or other safe attachment, and the bucket or cage securely locked so that same cannot tip or empty while being hoisted. The rope shall be fastened to the side of the drum, and not less than three coils of rope shall always remain on the drum. After the shaft reaches a depth of one hundred feet, the same shall be provided with guides and guide attachments, applied in such a manner as to prevent the bucket from swinging while being lowered or hoisted, and said guides and guide attachments shall be maintained at a distance of not more than seventy-five feet from the bottom of the shaft. The sides of all shafts shall be properly secured for safety, and no loose rock or material shall be allowed to remain on any timber in the shaft after each blast. All loose timber, tools, and materials, shall be kept away from the top of the shaft, so as to reduce the danger of same falling down the shaft. Where explosive gas is encountered, the person in charge shall see that the shaft or slope is examined before each shift of men enter to work, and before the men descend after each blast. Provision shall be made for the proper ventilation of the slope, or shaft, so that persons working therein will have the necessary air. An efficient brake shall be attached to each drum of an engine used in hoisting material and persons, and all machinery, ropes and chains connected therewith shall be carefully examined once each twelve hours. Not more than four persons shall be lowered or hoisted in or on a bucket at one time, and no person shall be permitted to ride on a loaded bucket. The bucket used in lowering or hoisting persons shall be equipped with proper safety devices, so that same cannot become detached from the rope or cable, and cannot tip or turn upside down while being so used. The chief inspector of mines, and the district inspector of mines, shall have jurisdiction over such mine when the shaft or slope reaches a depth of twenty-five feet, and such person, firm or corporation shall comply with any order issued by either or both of them with respect to the safety of persons employed.

Other than the provisions herein, the provisions of this act shall not apply to the opening of a mine until such opening reaches the seam, and the entry or landing be extended beyond a breakthrough, or other place driven at right angles thereto. (Penalty, [Sec. 976.](#))

Sec. 950. [**Additional openings; when and how provided for.**] When in the opinion of the district inspector of mines together with the chief inspector of mines, the ways and means of egress in any mine under their jurisdiction, from the interior working places to the surface, as provided for in this act, are inadequate as a safe and ready means of escape in case of probable emergency, and there are extra hazards of a permanent nature that cannot be removed either from long distance from the interior working places to the exterior openings for egress, from danger of fire at any point, or any other cause that probably will result in the entombment of persons working therein, they shall jointly give notice in writing to the owner, lessee or agent of such mine, and require an additional opening by shaft, slope or drift, from the surface; the location of the interior end of such shaft, slope, or drift, to be sufficiently near the interior working places in that part of the mine where such persons are endangered, to afford such persons safe and ready means of escape, free from such hazards. ([Sec. 932](#); Penalty [Sec. 976.](#))

RELATING TO SUPERINTENDENT, MINE-FOREMAN AND OVER-SEER.

Sec. 951. [**Duties of superintendent.**] The superintendent in charge of a mine shall see that the provisions of this act are carried out, and shall, in case of an accident resulting in the death of or injury to persons, carefully investigate such accident, and report to the chief inspector of mines, as provided for in this act, and to the owner, lessee or agent of the mine. He shall give such other notice to the chief inspector of mines as required by the provisions of this act, and shall cooperate with the mine-foreman and direct him as may be necessary in securing a compliance with the provisions of this act, and the safety of the persons employed in the mine. Nothing herein shall prohibit the superintendent from fulfilling the duties of mine-foreman. ([Sec. 940](#), [953](#), [962](#), [965](#); Penalty, [Sec. 976.](#))

Sec. 952. [**Duties of mine foreman.**] The mine-foreman shall attend personally to his duties in the mine, carry out all the provisions set forth in this act, see that the regulations prescribed for each class of workmen under his charge are carried out in the strictest manner possible, and see that any deviations from any of them are promptly adjusted. ([Sec. 953](#), [965.](#))

[**When ventilation stops.**] In case of accident to a ventilating fan, or its machinery, whereby the ventilation of the mine would be seriously interrupted, he shall promptly order the men to immediately withdraw from the mine and not return to their work until the ventilation has been restored, and his permission to enter is given; if at a mine which generates fire-damp, he shall not order them to return until the mine has been thoroughly examined by him, or his assistant, and reported to be safe. ([Sec. 922](#), [923](#), [924.](#))

[**Dangerous places fenced.**] He shall see that all dangerous places are properly fenced off, and proper danger signal boards are hung on such fencing that they may be plainly seen; he shall also travel all air-ways, and examine all the accessible openings to old workings as often as is necessary to insure their safety. ([Sec. 925.](#))

[**Examination of working places.**] He shall examine each working place, or have it examined by his assistant, at least once each alternate day that persons are or should be at work therein and oftener, when, in his judgment, the circumstances require. He shall instruct pick miners and machine runners regarding the width of working places. ([Sec. 956.](#))

Sec. 953. [**When working place is unsafe.**] When a working place becomes unsafe from any cause, he shall order the person or persons working therein, to cease mining or loading, and not to remain in such working place, except as may be necessary to make it safe, until it is made safe. ([Sec. 956.](#))

[**Supplying of props and timber.**] He shall see that the working place of each miner is kept supplied with props of approximate length, caps, and other timbers necessary to securely prop the roof thereof. When he examines a working place, he shall observe the condition of the roof and timbering, and instruct the workmen therein as to the proper method of timbering for the security of the roof. He shall give such instructions to drivers, motormen, trip-riders, and other persons, as may be necessary to keep a supply of timber in each working place. ([Sec. 933](#), [956.](#))

[**Miner without props or timber.**] When he finds a miner in a working place without the necessary props, caps or timbers to securely prop the roof thereof, he shall order such miner to leave such working place until the required timber is supplied, which he shall attend to promptly, and shall order that no cars be delivered to such miner, until timber is supplied. ([Sec. 933](#), [956.](#))

[**Measure and report of ventilation.**] He shall keep a careful watch over the ventilating apparatus and air-ways, and measure the ventilation at least once each week, at the inlet and outlet, and at or near the face of all entries; which measurement shall be noted on blanks furnished by the chief inspector of mines. On the first day of each month, he shall sign such blanks, properly filled with the actual measurements, and forward them to the chief inspector of mines. ([Sec. 922](#), [923](#), [924](#), [952.](#))

[**Record of boys employed.**] He shall keep a record of the boys under sixteen years of age

employed by him, or by any other person, giving the name, age, place of birth, name and residence of parents, and character of employment. He shall require written evidence from the parent or guardian of each said minors, that the requirements of the school laws of this state have been complied with. ([Sec. 912, 944.](#)) (See Child Labor Law, [Sec. 13002.](#))

"The provisions of [Section 912, 944](#) and [953](#) G.C. do not permit the employment of children under 16 years of age in, about or in connection with any mine. Such employment is governed by the provisions of [Section 13002](#) G.C."

Opinion No. 885 office of the Attorney General, State of Ohio, December 21, 1917.

[**Assistant mine-foreman.**] The duties of mine-foreman shall apply to assistant mine-foreman, when acting for the mine-foreman, or in discharging the duties thereof. ([Sec. 952, 965](#); Penalty, [Sec. 976.](#))

Sec. 954. [**Relating to over-seer.**] The over-seer shall visit the working place of each inexperienced person engaged at mining or loading, at such intervals as provided for in this act, and instruct them as to their work and safety and assist them in caring for their safety. He shall instruct such persons not to handle or use any explosives except in his presence, until they have been employed in a mine not less than three months, and not then until he is satisfied that such persons are fully competent to handle and use same with safety. When, in his judgment, such persons require more frequent supervision than provided for in this act, he shall visit their working places as frequently as in his judgment the circumstances require. The foregoing shall not prohibit the mine-foreman from fulfilling the duties of overseer, so long as all the provisions of this act are complied with. ([Sec. 965](#); Penalty, [Sec. 976.](#))

RELATING TO THE STABLEMAN AND FIRE-BOSS.

Sec. 955. [**Duties of stableman.**] The stable man shall see that the provisions of this act relating to stables are carried out, and shall forbid persons not required by duty, to enter the stable or loiter in or about same, whether the stable be inside of the mine or on the surface. ([Sec. 945, 960.](#))

[**Duties of fire-boss.**] The fire-boss shall examine with a safety lamp each working place, whether same is in the actual course of working or not, the traveling ways and entrances to old workings in the mine every morning, not more than three hours prior to the appointed time for the employes to enter the mine. As evidence of such examination, he shall mark with chalk upon the face of the coal, or in some other conspicuous place, his initials and date of the month. If there is any standing gas discovered, he shall leave a danger signal across every entrance to such place.

[**Report on blackboard.**] He shall make a report on a blackboard provided on the outside of the mine for that purpose, and arrange so the men can conveniently inspect it, showing the condition of the mine as to the presence of fire-damp, and indicating the place, or places, where present, if any is present, before he permits any person to enter the mine. He shall examine parts of the mine not in the actual course of working and available, not less than once each three days.

[**Written report.**] The fire-boss shall make a written report, which shall be kept in the office, or some place at the mine where it can be seen by the mine inspector when called for. He shall see that every part of the mine is kept free from standing gas, and that all old workings are properly fenced off, as provided for in this act. He shall return to the mine with the miners and remain there at least one hour, attending to the removal of any standing gas. He shall examine the mine on idle days and Sundays if any men are required to work in any part of it, and if more than three hours 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. ([Sec. 925, 959](#); Penalty, [Sec. 976.](#))

RELATING TO EMPLOYES GENERALLY.

Sec. 956. [**Duties of miner. Examination of working place.**] Each miner shall examine his working place upon entering 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 a safe condition at all times. ([Sec. 952.](#))

[**Shall cease work when place is dangerous.**] Should he at any time find his place becoming dangerous from any cause or condition, he shall at once cease work, and notify the mine-foreman, or assistant mine-foreman, of such danger, and, upon leaving such place, he shall place some plain warning at the entrance thereto, to warn others from entering into the danger, and shall not return until ordered to do so by the mine-foreman, or assistant mine-foreman. ([Sec. 953.](#))

[**Shall prop roof, etc.**] 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 working places, and to the security of the mine in the part thereof where he is at work, and for fifteen feet back from the face of his working place. Such miner, or other person, shall not be held to have violated the provisions of

this clause if the owner, lessee or agent fails to supply the necessary props, caps, and timbers, as provided for in this act. ([Sec. 933](#), [953](#).)

[Shall not waste props, etc.] 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 up or destroy same, but shall place it near the track where it can be readily seen. ([Sec. 933](#), [953](#).)

[Blasting when fire-damp is generating.] He shall not fire a blast in any working place which is likely to generate sudden volumes of fire-damp, or where locked safety lamps are used, except with the consent of the mine-foreman, or other competent person designated by the mine-foreman for that purpose. ([Sec. 962](#).)

[Blasting when restricted to specific times.] At a mine where the firing of shots is restricted to specific times, no miner shall fire a shot until the time appointed for him to do so, and then only in such rotation as designated. ([Sec. 962](#).)

[Examination after blasting.] After each blast, he shall exercise great care in examining the roof and coal, and shall secure them safely before beginning to load coal. ([Sec. 962](#).)

[Shall post after undermining.] After the coal is undermined, he shall, before shooting the coal, properly post the roof of his working place.

[Must not go under draw-slate.] When draw-slate is over the coal, he shall not go underneath the draw-slate 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 draw-slate.

[Shall load fine coal.] He shall not place in the gob or refuse pile, or cover up, any fine coal or coal dust, but shall load same into cars. ([Sec. 944](#); Penalty, [Sec. 976](#).)

Sec. 957. **[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 persons not engaged in the operating of a machine of the danger in going near the machine while it is in operation, and shall not permit such persons to remain near the machine while it is in operation. They shall examine the roof of the working place and see that it is safe before starting to operate the machine. They shall not move the machine while the cutter chain is in motion. When connecting the power cable to the 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. When positive feed wires extend into rooms, they shall connect such wires to the positive wire on the entry before connecting the power cable, and as soon as the power cable is disconnected shall disconnect such wire from the wire on the entry. They shall use care that the cable does not make contact with metallic rails of the track, and shall avoid, where possible, leaving the cable in water. If they 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. 941](#); Penalty, [Sec. 976](#).)

Sec. 958. **[Duties of motormen and trip-riders.]** Motormen and trip-riders shall use care in handling the locomotive and cars, and shall see that the signal or marker, as provided for, is used as provided, and shall be governed by the speed provided for in this act in handling cars.

They shall not run the locomotive with the trolley ahead of the locomotive, except in cases where they cannot do otherwise, and then only at a speed of two miles per hour.

They shall warn persons forbidden to ride on the locomotive or cars, and shall not permit such persons to ride on locomotive or cars contrary to the provisions of this act.

[Duties of trip-rider, rope haulage.] The trip-rider in charge of rope haulage trips shall see that the signal light, as provided for in this act, is in place and in proper condition before starting trip.

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

[Those in charge of trips of cars shall see that doors are closed.] Motormen, trip-riders and drivers in charge of haulage 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. 923](#), [943](#), [961](#); Penalty, [Sec. 976](#).)

Sec. 959. **[Persons must not enter mine until fire-boss reports.]** No person shall enter a mine generating fire-damp so as to be detected by a safety lamp, until the fire-boss makes a report outside the mine on a blackboard provided for that purpose, and arranged where the men can conveniently inspect it. No person shall go beyond a danger signal, until all standing gas discovered has been removed or diluted and rendered harmless by a current of air. ([Sec. 925](#), [955](#).)

[Persons ordered to withdraw must not re-enter without permission.] Any person being ordered by the mine-foreman to withdraw from the mine on account of the interruption of the ventilation shall not re-enter the mine until given permission to do so by the mine-foreman. ([Sec. 952](#).)

[Not more than ten persons on a cage.] When more than ten persons get on a cage or elevator to be lowered into a mine, or to be hoisted out of a mine, the person in charge of the lowering and hoisting of such persons shall order a sufficient number to get off to reduce the number to ten persons, and the persons so ordered shall immediately comply. ([Sec. 929.](#))

[Employees shall not loiter.] Each employe of a mine shall go to and from his place of duty by the traveling ways provided; shall not travel around the mine, or the buildings, tracks or machinery connected therewith, where duty does not require, and when not on duty, shall not loiter at, in, or around the mine, the buildings, tracks or machinery connected therewith.

[Intoxicants.] No person shall go into, at, or around a mine, or the buildings, tracks or 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, or the buildings, tracks or machinery connected therewith, any intoxicants.

[Must not go beyond danger signal.] No person other than the fire-boss shall remove or go beyond any caution board or danger signal placed at the entrance to any working place, or to the entrance to any old workings in a mine.

Sec. 960. **[Intent to defraud.]** No person shall erase or change a mark of reference or monument made in connection with measurements; change the checks on cars; wrongfully check a car, or do any act with intent to defraud.

[Fire must not be taken into stable.] No person shall take a lighted pipe, or other thing containing fire, except lanterns as provided for, into any stable or barn. ([Sec. 945-955.](#))

[Must not obstruct airway.] No person shall place refuse in, or obstruct any airway or breakthrough used as an airway.

[Injuries to mine by workmen and others.] No workman, or other person, shall knowingly injure a water gauge, barometer, air-course, brattice, equipment, machinery, or live stock; obstruct or throw open an 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 mine 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 the machinery connected therewith may be endangered. (Penalty, [Sec. 976.](#))

Sec. 961. **[Persons not permitted to ride on haulage trips.]** No person or persons except those in charge of trips, superintendents, mine-foremen, electricians, machinists and blacksmiths, when required by their duty, shall ride on haulage trips, except where by mutual agreement in writing, between the owner, lessee or agent, and the employes, a special trip of empty cars is run for the purpose of taking employes into and out of the mine, or empty cars are attached to loaded trips, which shall not be run at a speed exceeding eight miles per hour. No person except a trip rider shall ride on loaded car or cars, and he shall ride only the front or rear end of the trip. ([Sec. 958.](#))

[Size of lamps for open lights.] No person, except as hereinafter provided for, shall use in any coal mine, any oil lamp for the purpose of maintaining an open light, more than two and one-half inches in height, with spout not more than three inches long, with opening not more than three-eighths inch in diameter; provided, however, that mine-foreman, electricians, machinists, motormen, trip-riders, drivers, and other persons whose duties require them to ride on moving trips, works in main air current, or travel frequently from place to place, may use lamps not exceeding three and one-half inches in height, with spout not more than four and one-half inches long, with opening not more than five-eighths of an inch in diameter. ([Sec. 943;](#) Penalty, [Sec. 976.](#))

Sec. 962. **[Handling and storing of explosives.]** No workman shall have at any one time more than one twenty-five pound keg of blasting powder in the mine, nor more than three pounds of high explosives, and no person shall keep blasting powder or explosives dangerously near the electric wire or power cable in any part of the mine where electric wires are in use. No blasting powder, or other explosive, shall be stored in any mine except as above provided.

[Explosives kept in boxes.] Every person who has powder or other explosives in a mine shall keep same in a wooden 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 blasting powder and high explosives be kept in the same box, and in no case shall detonating caps be kept in a box with blasting powder or high explosives.

[Fire must be kept from explosives.] Whenever a workman is about to open a box, package 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 said explosives, and in such position that the air current cannot convey sparks to it; and no person shall approach nearer than five feet to any open box, keg or package containing powder or other explosives, or within five feet of another person handling such explosives, with a lighted lamp, lighted pipe, or other thing containing fire.

[Conveying of explosives.] Blasting powder or explosives must not be taken into or out of a mine, or moved from place to place in a mine along any entry or haulway where there are electric wires, while the power is on such wires, except when such powder or explosive is conveyed in insulated cars or packages.

[**Explosives and tools on cages or stairways.**] Powder, explosives and working tools shall not be taken down or up a hoisting shaft in a cage when men are going down or up; nor shall they be taken down or up a stairway used for ingress and egress of persons. ([Sec. 956, 963](#); Penalty, [Sec. 976](#).)

Sec. 963. [**Squibs and fuses; missed shots.**] Any workman who is about to fire a shot with a squib, shall not shorten the fuse, saturate it with oil, or ignite it except at the extreme end; he shall see that all persons are out of danger from the probable effects of such shot, and if it be a rib shot, he shall notify the person or persons working next to him on said rib before firing said shot, and shall take measures to prevent any one approaching by shouting "fire" immediately before lighting the fuse.

When a squib 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 used shall have elapsed.

The needle used in preparing a blast shall be made of copper, and the tamping bar shall be made of wood, or shall be tipped with at least five inches of solid copper.

No inflammable material, or any material that may create a spark, shall be used for tamping, and some soft material must always be placed next to the cartridge or explosive. When it is necessary to tamp dynamite, nothing but a wooden tamper shall be used. ([Sec. 956, 962](#); Penalty, [Sec. 976](#).)

RELATING TO PERSONS NOT EMPLOYES.

Sec. 964. [**Persons not employes of a mine.**] Persons not employes of a mine, except those permitted by law, shall not enter such mine or go upon the property connected therewith, unless consent of the owner, lessee or agent has been secured, and then only when accompanied by a guide furnished by such owner, lessee or agent. This, however, shall not prohibit persons seeking employment at such mine, or the duly authorized representatives of the employes, from entering upon the property as may be necessary to make such application to the proper authority or to transact business, provided such persons do not enter the mine until given permission to do so, and do not stand on the tracks, go near the machinery, or other place of danger. (Penalty, [Sec. 976](#).)

GENERAL PROVISIONS.

Sec. 965. [**Qualifications of miner.**] 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, or to be employed, that he has worked at least nine months with, under the direction of, or as a practical miner; provided, however, if the mine in which such person is to be employed generates explosive gas, or fire-damp, he shall have worked not less than twelve months with, under the direction of, or as a practical miner. Except as hereinafter provided, 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 competent miner.

[**Inexperienced miner.**] The provisions of this section shall not prohibit a person not so qualified from working in a mine by himself, or with another inexperienced person, when such person or persons work under the direction of a competent overseer, as hereinafter prescribed. Until such person or persons have been employed in a mine for a period of not less than three months, the overseer shall visit the working place of such persons not less frequently than once in each four hours that such persons are in the mine, and instruct them as to their work and safety, and assist them in caring for their safety. After such persons have been employed in a mine for a period of three months, and until they have been employed not less than six months, the overseer shall examine the working place not less frequently than once during each six hours that such persons are in the mine, and shall instruct them as to their work and safety, and assist them in caring for their safety. After such persons have been employed in a mine for a period of not less than six months, the overseer shall examine the working place not less than once each day until such persons become qualified by having worked the period of time hereinbefore provided. The overseer shall instruct such persons not to handle or use any explosives, except in his presence, until they have been employed in a mine not less than three months, and not then until he is satisfied that such persons are fully competent to handle and use same with safety. The overseer shall visit the working place of such persons oftener than required herein, when, in his judgment, it is necessary to do so for the proper safety of such persons. ([Sec. 954](#); Penalty, [Sec. 976](#).)

Sec. 966. [**Oath and bond of weigh-master.**] Any person employed to weigh coal at a mine in which ten or more miners are employed, and upon the weight of which the earnings of the miners depend, shall take and subscribe to an oath before an officer authorized to administer the same, that he will correctly weigh all coal taken from such mine under existing contracts between the owner, lessee or agent, and the miners, and give due credit for same; and when required by existing contracts between the lessor and lessee, he shall give due credit to such lessor. He shall also give a bond in the sum of three hundred dollars, with two sureties approved by the clerk of

the township in which such mine is situated, conditioned for the faithful discharge of his duties, and payable to the state, with the oath indorsed thereon, which shall be deposited with such township clerk. (Penalty, [Sec. 976.](#))

Sec. 967. [**Examination of machinery, ventilating current, etc., by miner or owner.**] The miners employed in a mine may appoint two of their number to act as a committee to inspect, not oftener than once in every month, the mine and the machinery connected therewith, and to measure the ventilating current. If the owner, lessee or agent so desires, he may accompany such committee or appoint two or more persons for that purpose. The owner, lessee or agent shall afford every necessary facility for making such inspection and measurement, but the committee shall not in any way interrupt or impede the work in the mine at the time of such inspection and measurement. Within ten days after the inspection and measurement, such committee shall make a correct report thereof to the chief inspector of mines, on blanks furnished by him. ([Sec. 906](#); Penalty, [Sec. 976.](#))

Sec. 968. [**Appropriation of land for mines, how made.**] The owner, lessee or agent of a coal mine, may, when such owner, lessee or agent does not own or control suitable surface ground for openings for the ingress and egress of persons employed therein, for the means of ventilation as provided for in this act, for the means of draining said mine as may best protect the lives and health of the persons employed therein, for the protection of the employes and property, for conducting the water from the mine to any natural water course, or for suitable roadway from any opening to a public highway, appropriate as hereinafter provided, for any one or more of such purposes any required intervening or adjoining lands, and make openings, lay pipe for conducting water, and maintain roadways into, upon, over, under or through same, provided that no land shall be appropriated for a roadway more than twenty feet in width, and no land for any other one of such purposes in excess of one-quarter of an acre. Such owner, lessee or agent, whether a corporation, firm or individual, shall be governed in proceedings to appropriate such land by the laws relating to the appropriation of private property by corporation; but no land shall be so appropriated unless the court is satisfied that suitable land cannot be obtained upon reasonable terms.

Sec. 969. [**Examination and survey of mine by owner of land adjoining.**] Each person owning land adjoining a mine worked for the production of coal, and each person interested in such mine, who has reason to believe that the protection of his interests therein or in the coal on his adjoining land requires it, upon making affidavit to that effect before a justice of the peace or other proper officer, may enter such mine and have an examination or survey of it made, after giving three days' notice, in writing, to the owner, lessee or agent of such mine. Such examination shall be made at such time, and in such manner, as will least interfere with the working of the mine.

[**Transportation of surveying party.**] When the affidavit has been made, and notice given, as provided in the foregoing, upon the application of the person giving the notice, the person in charge of such mine shall transport, by the ordinary method for entrance and exit in use at such mine, a surveying party of not more than three persons, furnish them a competent guide, and supply them with necessary and proper lamps. The person in charge of the mine shall be paid by the person requesting the survey, fifty cents for each person so transported, and five dollars per day for guide; but, if the shaft, (if such mine be a shaft mine), exceed two hundred and fifty feet in depth, he shall be paid one dollar for each person so transported.

[**Liability for damages caused by examination.**] If the owner or lessee of such mine sustain damage for which compensation should be made because such examination or survey was made at unreasonable times, or in an improper or unwarrantable manner, the person making, such examination or survey, or causing it to be made, shall be liable therefor to such owner or lessee.

[**Forfeiture.**] The persons owning or operating a mine shall not hinder or obstruct such examination or survey, if made at a reasonable time, and in a reasonable manner, and as provided by law.

[**To whom provisions concerning examination and survey available.**] The preceding provisions for examination and survey shall be available to any person, who, on his oath, states that he is the owner, or authorized agent of an owner, of land which he believes contains coal or commercial products adjacent to the underground working of a mine, although it does not adjoin the property of such mine.

[**Action for refusal to permit examination.**] Upon the refusal of the owner, lessee or agent of a mine to comply with the provisions of this section, the person who makes the application for the survey may recover judgment as upon default, in a court of competent jurisdiction, against the owner, lessee or agent, in such sum as he declares under oath that he believes to be justly due him for coal belonging to him taken by the owner, lessee or agent of the mine without his permission, and the statute of limitations shall not run against such claim, but the demand, and refusal of permission to enter such mine, must be first proven to the satisfaction of the court or jury.

Sec. 970. [**Checkweighman for miners.**] The miners employed at a mine where the earnings of such miners depend upon the weight of coal mined, may, at their own cost, designate or appoint a competent person as checkweighman, who, at all proper times, shall have full right of access to and examination of the scales, machinery or apparatus used at such mine to determine the

correct weight of coal mined, and whose duty shall be to see the coal weighed and to make a correct record of such weights. Not more than one person, however, on behalf of the miners collectively shall have such right at the same time.

[Checkweighman for landowners.] The landowners, or other persons interested in the rental or royalty at such mine, may, at their own cost, designate or appoint a competent person to act as checkweighman for them, who shall have the same rights as the checkweighman for the miners. Not more than one person, however, on behalf of the landowners, or other persons interested in the rental or royalty, jointly, shall have such right at the same time. Checkweighmen shall not interfere with the use of or tamper with such scales, machinery or apparatus, nor make any false entry of any weight, or in any manner exceed the duties prescribed herein.

[Check-measurer.] The miners employed at a mine where the earnings of such miners depend upon measurements, may, at their own cost, designate or employ, not more than one of their number as check-measurer to accompany each mine-foreman or other person making the measurements and see them make such measurements, and make a correct record of same. Each mine-foreman or other person making measurements may have a helper, but such helper shall not be regarded as a person making measurements. The person or persons designated as check-measurer shall not in any manner interfere with or interrupt the work of the mine-foreman, or other person, while making such measurements. (Penalty, [Sec. 976.](#))

Sec. 971. **[Crossing public highway.]** Any person, firm or corporation now or hereafter owning any land containing mineral, coal, stone or clay, and over any portion of which shall pass any state, county or township road or public highway, shall have the right and are hereby authorized to drill, excavate, mine or quarry through or under any such road; provided, however, that when any excavation is to be made in such manner that the top or highest level of such excavation will be extended within thirty feet vertical distance of such road, then and in that case before said work shall be commenced, such person, firm or corporation shall execute and deliver to the board of county commissioners in case of state or county roads, or to the township trustee in case of township roads, a bond, with good and sufficient surety in such amounts as shall be considered by said commission or trustees sufficient to cover any damages that may accrue by reason of excavating, mining or quarrying through or under any such road, the same to be approved by said commissioners or trustees; conditioned that while crossing over or mining or quarrying under any such road, a safe and unobstructed passageway or road shall be kept open by such person, firm or corporation for public use, and as soon as practicable such road shall be fully restored to its original safe and passable condition. When such crossing is made by excavation at a depth of more than thirty feet below the surface of such road, the person, firm or corporation making same shall be liable to the county commissioners or township trustees for any damage that may accrue by reason of such excavation, and shall be held to fully repair any such damage and to restore such road to its original safe and passable condition. The right to mine or quarry across or under public highways as hereinbefore provided shall accrue to the owner, lessee or agent of the land upon or through which such highway passes. (Penalty, [Sec. 976.](#))

Right of action in case of accident.

Sec. 972. In case of an injury to persons or property, occasioned by a violation of any of the provisions of this act or any willful failure to comply with any provisions of this act any owner, lessee or agent of a mine, a right of action shall accrue to the person injured, for any direct damage he may have sustained thereby. In case of loss of life, by reason of such failure or willful neglect, a right of action shall accrue to the widow, and children, or if there be none such, then to the parents and next of kin, of the person whose death was so caused, for like recovery of damages for the injury they shall have sustained.

Each person who performs labor in opening or developing any coal mine, mining coal, and labor connected therewith, shall have a lien upon all the property of the person, firm or corporation owning, constructing or operating such mine, for the value of such labor for the full amount thereof, upon the same terms, as mechanic's liens are secured and enforced. (103 O. Laws 67.)

RELATING TO OIL AND GAS WELLS THROUGH COAL MEASURES.

Owner of well shall make and file map.

Sec. 973. Any person, firm or corporation holding property in any coal bearing or coal producing township, in any county of the state of Ohio, either in fee, by virtue of a lease for oil or gas, mining purposes since January first, 1900, or otherwise, whereon wells have been drilled for oil, gas or test purposes, shall cause to be made by a competent engineer, an accurate map on a scale of not less than one inch to four hundred feet, showing on said map the location and number of wells as near as the same can be located, that have been drilled, whether or not any of such wells have been previously abandoned, or were drilled and abandoned by former operators, who have ever held the said property for oil, gas or mining purposes.

Said map shall show the name and address of the person, firm or corporation owning said well or wells, the county and township, the names of the adjoining property owners, and lines of the

property operated with the distances of the wells properly measured therefrom and checked from the section and quarter section lines, as will be necessary for an accurate survey. The map shall show all the engineer's notations of angles, distances, starting point, or corner stones, together with the numbers given the respective wells, giving a legend as to the manner in which various abandoned or producing wells, are designated. The original map shall be retained by the owner or his agent, and one copy filed with the industrial commission of Ohio, division of mines, said copy showing thereon the sworn statement of the engineer making the map that same is correct.

Well shall not be near mine opening.

No oil well, gas well or test well shall be drilled nearer than three hundred feet to any opening to a mine used as a means of ingress or egress for persons employed therein, nor nearer than one hundred feet to any building or inflammable structure connected therewith, and actually used as a part of the operating equipment of said mine.

Persons drilling oil and gas wells in coal bearing or coal producing townships.

Any person, firm or corporation before drilling or causing to be drilled any oil well, gas well or test well within the limits of any coal producing township in any county of the state of Ohio, shall first file an application with, the industrial commission of Ohio, division of mines, on blanks to be furnished by said commission for such purpose, and shall show the following: The name and address of the applicant, the proper date, location of the proposed well—giving the name of the property owner, section number, township and county, the number of the proposed well, and signed by an officer or agent of such operator. No well shall be commenced until the applicant or operator has been granted a permit, which shall be granted by the industrial commission of Ohio, division of mines, under the following conditions:

When well is adjacent to mine.

If such proposed well is located within the limits directly adjacent to mining operations, such limits to be determined by the industrial commission of Ohio, division of mines, the application for permit must be accompanied by a map showing the location of the proposed well and answering the requirements in the preceding regulations for mapping.

When well is not adjacent to mine.

If such proposed well is not located within the limits directly adjacent to mining operations, but within the limits of any coal producing or coal bearing township, the industrial commission of Ohio, division of mines, shall grant a permit immediately upon receipt of the application, providing the applicant is a responsible person, firm or corporation. The industrial commission of Ohio, division of mines, may at any time after the well is commenced, if the responsibility of the applicant or operator is considered doubtful, cause such operator or applicant to show proper guaranty of his intention to fulfill the requirements of the section, or cause all operations to cease forthwith. If any person, firm or corporation continue drilling on property already surveyed in accordance with the preceding requirements, a complete blue print or copy of map shall be made at the end of each year ending June 30th, showing the additional wells properly surveyed by a competent engineer as above mentioned, and filed with the industrial commission of Ohio, division of mines, not later than the following first of September.

When well is to be abandoned owner shall give notice.

When any oil well, gas well or test well is to be abandoned, the person, firm or corporation owning such well shall notify the industrial commission of Ohio, division of mines, or the deputy oil and gas well inspector of the district in which the well is located, as many days in advance as will be necessary for the inspector to arrange to be present at such abandonment. No well shall be abandoned without an inspector being present, unless permission has been first granted upon good cause shown, by the industrial commission of Ohio, division of mines.

Method of plugging well.

When any oil well, gas well or test well is to be abandoned, it must first be plugged in some secure manner above the oil or gas sand or rock formation, either by placing or driving one or more good seasoned wooden plugs, or a lead plug, as the case may require, so that no gas or oil may escape, or any water or destructive matter force itself into the oil or gas sand, or rock formation. Upon such seasoned wooden plug or plugging material shall be filled at least thirty feet of cement properly mixed with sand, or thirty feet of good clay or rock sediment properly prepared.

If any well has passed through a workable vein or seam of coal, it shall when it is abandoned be plugged in the following manner: A seasoned wooden plug shall be driven to a point thirty feet

below the lowest workable seam of coal and the hole filled with cement to a point at least twenty feet above this seam of coal, at which point another wooden plug shall be placed and the hole filled for a distance of twenty feet with cement or properly prepared clay, or rock sediment. If there is more than one seam of coal the next seam above must be plugged off in like manner.

When well penetrates the excavations of any mine.

In the event that a well being drilled penetrates the excavations of any mine, it must be cased with casing of approximately the same diameter as the diameter of the hole, the hole to be drilled thirty feet or to solid slate or rock and not less than ten feet below the floor of such mine, and the casing shall be placed in the following manner: One string of casing shall be placed at a point above the roof of said mine so as to shut off all of the surface water; then the hole drilled through said mine and another string of casing put in. The bottom of the second string of casing, or the one passing through said mine, shall not be nearer than ten feet, or more than thirty feet from the floor of the mine where it passes through the same.

When any well which has been drilled is to be abandoned and has passed through the excavations of any coal mine from which the minable coal has not all been removed, the person, firm or corporation owning said well shall leave in said well the casing passing through said mine from a point not less than ten feet, nor more than thirty feet below the floor of said mine, and extending above the roof of said mine at least five feet. A seasoned wooden plug shall be driven to a point at least forty feet below the floor of the mine and the hole above said plug together with the casing left in, which extends through the coal, shall be filled with cement; then a seasoned wooden plug shall be driven on the top of said casing, and the hole filled with cement for a distance of not less than twenty feet.

Interpretation—"coal bearing and coal producing township."

A coal bearing or coal producing township of any county shall be interpreted to mean any, township as a unit, in which coal is found that, is being mined, or is of such thickness as to make it likely to be mined at some future time. Any well drilled in such township, whether or not it passes through any coal, the same being barren in certain sections of such township, or the well being commenced below the line of outcrop of the coal, will nevertheless be required to be mapped and abandoned in accordance with the regulations and provisions of this section as given above, which shall apply uniformly throughout any coal bearing or coal producing township of any county.

RELATING TO ILLUMINATING OIL FOR MINES.

Composition of illuminating oil for use in mines.

Sec. 974. No person, firm or corporation shall compound, sell or offer for sale for illuminating purposes in any mine any oil other than oil composed of not less than eighty-two per cent, of pure animal or vegetable oil, or both, and not more than eighteen per cent, pure mineral oil. The gravity of such animal or vegetable oil shall not be less than twenty-one and one-half, and not more than twenty-two and one-half degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit; the gravity of such mineral oil shall not be less than thirty-four and not more than thirty-six degrees Baume scale, measured by Tagliabue or other standard hydrometer at a temperature of sixty degrees Fahrenheit, and the gravity of the mixture shall not exceed twenty-five degrees Baume scale measured by Tagliabue or other standard hydrometer at a temperature of sixty degrees Fahrenheit. Each person, firm or corporation compounding oil for illuminating purposes in any mine or mines, shall, before shipment thereof is made, securely brand, stencil or paste upon the head of each barrel or package, a label which shall have plainly printed, marked or written thereon, the name and address of the person, firm or corporation, having purchased same, the date of shipment, the percentage and the gravity in degrees Baume scale, at a temperature of sixty degrees Fahrenheit, of each of the component parts of animal, vegetable and mineral oil contained in the mixture, and the gravity in degrees Baume scale at a temperature sixty degrees Fahrenheit of the mixture. Each label shall have printed thereon, over the fac-simile signature of the person, firm or corporation having compounded the oil, the following: "This package contains oil for illuminating purposes in mines in the State of Ohio, and the composition thereof as shown hereon is correct." Each person, firm or corporation, manufacturing paraffine wax for illuminating purposes in any mine, or mines, shall, before shipment thereof is made, securely brand, stencil, or paste, upon the head of each barrel, box, or case, containing small packages, the name and address of the person, firm or corporation, manufacturing paraffine wax therein contained, the name and address of the person, firm or corporation, having purchased the same, and the date of shipment. And each individual package contained within each barrel, box or case, shall have plainly printed thereon the name of the product, the name and address of the manufacturer thereof, together with the melting point, fire test, and the percentage of oil and moisture of the paraffine wax herein contained. But nothing herein contained shall prohibit the manufacture, sale or use for illuminating purposes in mines in this state, of paraffine wax with melting point at from

one hundred five to one hundred twenty-four degrees of heat and minimum fire test not less than three hundred degrees Fahrenheit, with not over four per cent, oil and moisture.

Acetylene gas in mines.

Sec. 974-1. It shall be lawful to use acetylene gas in lamps in mines subject to the following conditions and restrictions: First, no person or persons shall take into a mine a greater quantity of calcium carbide than will be a reasonable supply for his own lamp for one day's work. Second, no person shall deposit, or keep in his possession in a mine any calcium carbide, or refuse from calcium carbide, in anything except air-tight containers, and these containers with their contents must be taken out of the mine at the end of each day's work, or sooner, if possible. Third, no person or persons, shall be allowed to use acetylene gas in lamps where there are old or abandoned workings where large quantities of black damp or other poisonous gases are liable to accumulate until such places have been examined by a competent person and pronounced to be free from foul or poisonous atmosphere.

Other illuminants.

Sec. 974-2. No person shall use in any mine any other illuminant than those provided for in [sections 974](#) and [974-1](#) of the General Code, unless with the consent of the chief inspector of mines.

Penalty.

Sec. 974-3. Any person who knowingly uses, or any owner, lessee or agent, who permits the use of any illuminant contrary to the provisions of [sections 974](#), [974-1](#) and [974-2](#), or any owner, lessee or agent who permits any person to deposit, or keep in his possession, in a mine any calcium carbide, or refuse from calcium carbide, except as provided in said sections 974 and 974-1, upon conviction, shall be fined not less than five nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than one hundred dollars. (103 O.L. 25.)

Sec. 975. [**No oil for illuminating purposes in mines shall be sold except oil prescribed in this act.**] No person, firm or corporation shall sell or offer for sale, any oil for illuminating purposes in any coal mine unless the barrel or package in which such oil was received bears the label of the compounder as provided for in this act. Each person, firm or corporation selling or offering for sale any oil for illuminating purposes in any coal mine, shall, upon request of any district inspector of mines, or of any officer or duly authorized agent of any owner or lessee of a coal mine located within two miles of the point where such oil is offered for sale, submit such oil and the original containers for examination, and upon request, give a sample of such oil from one or more original containers selected by such inspector, officer or agent, for the purpose of making a test thereof.

[**Adulteration of illuminating oil forbidden.**] No person shall adulterate any oil either before or after taking same from the original containers, and shall not alter, transfer, or re-use any label placed upon any container.

[**Persons forbidden to use oil other than prescribed in this act.**] No person shall use for illuminating purposes in any coal mine, any oil other than the oil specifically provided for in this act. Each person, while in a coal mine, shall, upon request of any district inspector of mines, or any officer or duly authorized agent of the owner or lessee, submit his lamp and supply of oil for examination, and upon request, give sample of oil for purpose of making test thereof, and state from whom purchased.

[**Provisions of this act shall apply only to oil used for open lights.**] The provisions of this act relating to the compounding, sale and use of oil for illuminating purposes in coal mines, shall apply to oil used in lamps for open lights. The oil used in safety lamps may be of such composition as will best serve the purpose. ([Sec. 944](#), [974](#); Penalty, [Sec. 976](#).)

RELATING TO PENALTIES.

County Coroner.

Sec. 976. Any county coroner who, after receiving notice of a fatal accident, or of an accident, which has resulted in the death of a person, at, in, or around a mine, from the owner, lessee or agent of such mine, or the chief inspector of mines, willfully refuses or neglects to comply, so far as such provisions relate to him, with the provisions of section nine hundred and twenty-one of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, at the discretion of the court.

Owner, lessee or agent.

Any owner, lessee or agent of a mine, or any person, firm or corporation opening a new mine, having written knowledge of a violation of this act, who willfully refuses or neglects to comply with the provisions of [section nine hundred and twenty-two](#), [nine hundred and twenty-three](#), [nine hundred and twenty-four](#), [nine hundred and twenty-five](#), [nine hundred and twenty-six](#), [nine hundred and twenty-seven](#), [nine hundred and twenty-eight](#), [nine hundred and twenty-nine](#), [nine hundred and thirty](#), [nine hundred and thirty-one](#), [nine hundred and thirty-two](#), [nine hundred and thirty-three](#), [nine hundred and thirty-four](#), [nine hundred and thirty-seven](#), [nine hundred and thirty-eight](#), [nine hundred and thirty-nine](#), [nine hundred and forty](#), [nine hundred and forty-one](#), [nine hundred and forty-two](#), [nine hundred and forty-three](#), [nine hundred and forty-four](#), [nine hundred and forty-five](#), [nine hundred and forty-six](#), [nine hundred and forty-seven](#), [nine hundred and forty-eight](#), [nine hundred and forty-nine](#), [nine hundred and fifty](#), or [nine hundred and seventy-one](#) of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than fifty dollars, nor more than one hundred dollars, at the discretion of the court.

Superintendent, mine-foreman or over-seer.

Any superintendent, mine-foreman, foreman or overseer, who willfully refuses or neglects to comply, so far as such provisions relate to each of them with the provisions of [section nine hundred and fifty-one](#), [nine hundred and fifty-two](#), [nine hundred and fifty-three](#), and [nine hundred and fifty-four](#) of the General Code, shall upon conviction thereof, be fined not less than ten dollars nor more than twenty-five dollars, and for a second or subsequent offense, shall be fined not less than ten dollars nor more than twenty-five dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Stableman; fire-boss; entering mine generating fire-damp before reported safe, or going beyond danger signal.

Any person or persons who willfully refuses or neglects to comply with the provisions of [section nine hundred and fifty-five](#) of the General Code, or enters a mine generating fire damp before it is reported by the fire boss that it is safe for persons to enter, or goes beyond a danger signal indicating an accumulation of fire damp, as forbidden by the provisions of [section nine hundred and fifty-nine](#) of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Employees of mines.

Any person, or persons, who violates the provisions of [sections nine hundred and fifty-six](#), [nine hundred and fifty-seven](#), [nine hundred and fifty-eight](#), [nine hundred and sixty](#), [nine hundred and sixty-one](#), or [nine hundred and sixty-two](#) of the General Code, or violates the provisions of [section nine hundred and fifty-nine](#) of the General Code other than to enter a mine generating fire-damp before the fire boss reports it safe, or to go beyond a danger signal indicating an accumulation of fire-damp, shall, upon conviction thereof, be fined not less than five dollars, nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

Persons not employes, qualification of miners, check-weighman, check-measurer.

Any person who willfully violates the provisions of [sections nine hundred and sixty-four](#), [nine hundred and sixty-five](#), [nine hundred and sixty-six](#), [nine hundred and sixty-seven](#), or [nine hundred and seventy](#) of the General Code, or violates the provisions of [section nine hundred and fifty-nine](#) of the General Code relating to loitering and intoxicants, at, in or around a mine, shall, upon conviction thereof, be fined not less than five dollars, nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

Drilling and operating oil and gas wells.

Any person, firm or corporation who violates or willfully refuses or neglects to comply with the provisions of [section 973](#), shall, upon conviction thereof, be fined not less than one hundred dollars, nor more than five hundred dollars, and for a second or any subsequent offense shall be fined not less than two hundred dollars and not more than one thousand dollars, or imprisoned not less than thirty days nor more than six months, at the discretion of the court. In addition, if the material is pulled out of a well which was not plugged in accordance with the provisions of [section 973](#), the person, firm or corporation causing such offense may be made to clean out such

well and properly plug the same, or pay the entire reasonable cost of such work being done under orders of the industrial commission of Ohio, division of mines, within thirty days.

Compounding oil for illuminating purposes in mines.

Any person, firm or corporation who compounds, sells or offers for sale to dealers any oil or paraffine wax; fish oil or any other illuminant whatever, other than those specifically provided for in [section 974](#), General Code, unless with the consent and approval of the chief inspector of mines, for illuminating purposes in any mine in this state contrary to the provisions of [sections nine hundred and seventy-four](#) and [nine hundred and seventy-five](#) of the General Code, shall upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars and for a second or any subsequent offense shall be fined not less than one hundred dollars nor more than two hundred dollars, or imprisoned not less than thirty days nor more than sixty days, or both, at the discretion of the court.

Sale of oil for illuminating purposes in mines.

Any person, firm or corporation who sells, or offers for sale to any employe of a mine for illuminating purposes in a mine any oil or paraffine wax, fish oil or any other illuminant, other than those specially provided for in [section nine hundred and seventy-four](#) of the General Code, unless with the consent and approval of the chief inspector of mines contrary to the provisions of [section nine hundred and seventy-four](#) and [nine hundred and seventy-five](#) of the General Code, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Using oil for illuminating purposes in mines.

Any person who knowingly uses for illuminating purposes in a mine, any oil or paraffine wax, fish oil or any other illuminant whatever other than those specially provided for in [section nine hundred and seventy-four](#) of the General Code, unless with the consent and approval of the chief inspector of mines, contrary to the provisions of [sections nine hundred and seventy-four](#) and [nine hundred and seventy-five](#) of the General Code, shall, upon conviction thereof, be fined not less than five dollars nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

(934-1a.)

REGULATING AND PROHIBITING SOLID SHOOTING.

Failure to obtain permit; penalty.

Sec. 976-1. Whoever being engaged in the operation of a coal mine causes or permits any solid shooting to be done therein without having first obtained a permit to do so from the industrial commission of Ohio shall be fined in a sum not exceeding one hundred dollars.

Permit must be obtained.

Sec. 976-2. A permit to do solid shooting may be issued by the industrial commission of Ohio in the case of any mine when application shall be made therefor by the owner, lessee or person engaged in the operation thereof and by a majority of the miners employed therein, and when such industrial commission shall be satisfied that such method of blasting is necessary for the just and reasonably profitable operation of such mine. Such permit may be revoked at any time by said commission after sixty days' notice in writing to such owner, lessee or person operating such mine. Any person in interest who is dissatisfied with any order of said industrial commission made under the power conferred upon it by this section, may commence an action to set aside, vacate or amend such order in the same manner and for the same reason as other orders of such commission may be set aside, vacated or amended.

Each section declared to be independent section.

Sec. 976-3. Each section of this act is hereby declared to be an independent section and the holding of any section to be void or ineffective for any cause shall not be deemed to affect any other section thereof.

RELATING TO FINES COLLECTED, PROSECUTIONS, WHEN ACT SHALL TAKE EFFECT, AND REPEALS.

Sec. 977. [**Fines collected.**] All fines collected by reason of prosecutions begun under the provisions of this act, shall be paid to the chief inspector of mines, and by him paid into the state treasury.

Sec. 978. [**Prosecutions; how controlled.**] Any prosecutions begun under the provisions of this act shall be controlled by [sections thirteen thousand four hundred and twenty-three](#) and [thirteen thousand four hundred and thirty-two](#) to [thirteen thousand four hundred and thirty-nine](#) inclusive of the General Code.

REGULATION OF WEIGHING OF COAL.

Miner to be paid for all coal contained within car.

Sec. 978-1. Every miner and every loader of coal in any mine in this state who under the terms of his employment is to be paid for mining or loading such coal on the basis of the ton or other weight shall be paid for such mining or loading according to the total weight of all such coal contained within the car (hereinafter referred to as mine car) in which the same shall have been removed out of the mine unless otherwise agreed between employer and miner or loader.

Department of Industrial Relations to determine percentage of impurity.

Sec. 978-2. Said industrial commission shall ascertain and determine the percentage of slate, sulphur, rock, dirt, or other impurity unavoidable in the proper mining or loading of the contents of mine cars or coal in the several operating mines within this state subject, however, to the right of the employer and miner or loader in any of such mines to make an agreement with reference thereto.

Percentage of fine coal.

Sec. 978-3. When there is no agreement between the miner or loader of coal in any mine in this state and the operator thereof whereby the miner or loader is to be paid for mining or loading coal other than on the basis of the ton or other weight according to the total weight of all such coal contained within the car it shall be the duty of such miner or loader of coal and his employer to agree upon and fix, for stipulated periods, the percentage of fine coal commonly known as nut, pea, dust and slack allowable in the output of the mine wherein such miner or loader is employed. At any time when there shall not be in effect such agreed and fixed percentages of fine coal allowable in the output of any mine, said industrial commission shall forthwith upon request of such miner or loader or his employer, fix, such allowable percentage of fine coal, which percentage so fixed by said industrial commission shall continue in force until otherwise agreed and fixed by such miner or loader and his employer. Whenever said industrial commission shall find that the total output of such fine coal at any mine for a period of one month during which such mine shall have been operating while the percentage of fine coal so fixed by said industrial commission has been in force, exceeds the percentage so fixed by it, said industrial commission shall at once make, enter and cause to be enforced such order or orders relative to the production of coal at such mine, as will result in reducing the percentage of such fine coal, to the amount so fixed by said industrial commission.

Sec. 978-4. Said industrial commission shall, as to all coal mines in this state, which have not been in operation heretofore, perform the duties imposed upon it by the provisions hereof.

Department of Industrial Relations may change percentage.

Sec. 978-5. Said industrial commission shall have full power from time to time, to change, upon investigation, any percentage by it ascertained and determined or fixed, as provided in the preceding sections hereof.

Unlawful to use screen.

Sec. 978-6. It shall be unlawful for the employer of a miner or loader of the contents of any car of coal to pass any part of such contents over a screen or other device, for the purpose of ascertaining or calculating the amount to be paid such miner or loader for mining or loading such contents, whereby the total weight of such contents shall be reduced or diminished unless otherwise agreed between employer and miner or loader. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined for each separate offense not less than three hundred dollars nor more than six hundred dollars.

Loading impurity; penalty.

Sec. 978-7. A miner or loader of the contents of a mine car, containing a greater percentage of slate, sulphur, rock, dirt or other impurity, than that ascertained and determined by said industrial commission, as hereinbefore provided, shall be guilty of a misdemeanor and upon conviction shall be punished as follows: for the first offense within a period of three days he shall be fined fifty cents; for a second offense within such period of three days he shall be fined one dollar; and for the third offense within such period of three days he shall be fined not less than two dollars nor more than four dollars. Provided, that nothing contained in this section shall affect the right of a miner or loader and his employer to agree upon deductions by the system known as docking, on account of such slate, sulphur, rock, dirt or other impurity.

JURISDICTION.

The following are the sections of the General Code referred to in various sections of the mining law, and under which prosecutions will be made.

JURISDICTION.

Sec. 13423. Justices of the peace, police judges and mayors of cities and villages shall have jurisdiction, within their respective counties, in all cases of violation of any law relating to:

1. Adulteration or deception in the sale of dairy products and other food, drink, drugs and medicines.
2. The prevention of cruelty to animals and children.
3. The abandonment, non-support or ill treatment of a child by its parent.
4. The abandonment or ill treatment of a child under sixteen years of age by its guardian.
5. The employment of a child under fourteen years of age in public exhibitions or vocations injurious to health, life or morals, or which cause or permit it to suffer unnecessary physical or mental pain.
6. The regulation, restriction or prohibition of the employment of minors.
7. The torturing, unlawfully punishing, ill treating, or depriving anyone of necessary food, clothing or shelter.

15. The prevention of short weighing and measuring and all violations of the weights and measures laws.

(1080 O.L., 41.)

JUSTICES, POLICE JUDGES AND MAYORS.

Sec. 13432. [**When imprisonment is a part of the punishment a jury shall be impaneled.**] In prosecutions before a justice, police judge or mayor, when imprisonment is a part of the punishment if a trial by jury is not waived the magistrate, not less than three days nor more than five days before the time fixed for trial, shall certify to the clerk of the court of common pleas of the county that such prosecution is pending before him. (R.S. Sec. 3718a.)

Sec. 13433. [**Clerk's duties.**] Thereupon the clerk, in the presence of representatives of both parties, shall draw from the jury wheel or box containing the names of persons selected to serve as petit jurors in the court of common pleas in such county, twenty names which shall be drawn and counted in a like manner as for jurors in the court of common pleas. The clerk shall forthwith certify the names so drawn to the magistrate, who, thereupon, shall issue to any constable, chief of police or marshal in the county a venire containing the names of the persons to serve as jurors in the case and make due return thereof. (R.S. Sec. 3718a.)

Sec. 13434. [**Jurors.**] The jurors shall be subject to like challenges as jurors in criminal cases, except capital cases in the court of common pleas. If the venire is exhausted without obtaining the number required to fill the panel, the magistrate shall fill the panel with talesmen in the manner provided for criminal cases in the court of common pleas. (R.S. Sec. 3718a.)

Sec. 13435. [**Second or subsequent offense.**] In such prosecutions, where a different punishment is provided for a second or subsequent offense, the information or affidavit upon which the prosecution is based, must charge that it is the second or subsequent offense or the punishment shall be as for the first offense. (R.S. Sec. 3781a.)

Sec. 13436. Repealed. (108 O.L., 1203.)

Sec. 13437. [**New trial.**] In such prosecutions, if there is a verdict for conviction, a new trial may be granted for like reasons and subject to like conditions as a new trial in criminal cases in the

court of common pleas. (R.S. Sec. 3718a.)

Sec. 13438. [**Fees of jurors and witnesses.**] In such prosecutions, the jurors shall be entitled to the same mileage and fees as in the criminal cases in the court of common pleas. (R.S. Sec. 3718a; Am. 108 O.L., 1221.)

Sec. 13439. [**Costs.**] In such prosecutions, no costs shall be required to be advanced or secured by a person authorized by law to prosecute. (R.S. Sec. 3718a; Am. 108 O.L., 1221.)

RELATIVE TO EMPLOYMENT OF MINORS.

Sixteen years: age limit for following occupations.

Sec. 13001. No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or any of the following positions: (1) adjusting any belt to any machinery; (2) sewing or lacing machine belts in any workshop or factory; (3) oiling, wiping or cleaning machinery or assisting therein; (4) operating or assisting in operating any of the following machines (a) circular or band saws; (b) wood shapers; (c) wood jointers; (d) planers; (e) sandpaper or woodpolishing machinery; (f) woodturning or boring machinery; (g) picker machines or machines used in picking wool, cotton, hair or any other material; (h) carding machines; (i) paper-lace machines; (j) leather-burnishing machines; (k) job or cylinder printing presses operated by power other than foot power; (l) boring or drill presses; (m) stamping machines used in sheetmetal and tinware, or in paper and leather manufacturing, or in washer and nut factories; (n) metal or paper cutting machines; (o) corner staying machines in paper box factories; (p) corrugating rolls, such as are used in corrugated paper, roofing or washboard factories; (q) steam boilers; (r) dough brakes or cracker machinery of any description; (s) wire or iron straightening or drawing machinery; (t) rolling mill machinery; (u) power punches or shears; (v) washing, grinding or mixing machinery; (w) calendar rolls in paper and rubber manufacturing; (x) laundering machines; (y) burring machinery; (5) or in proximity to any hazardous or unguarded belts, machinery or gearing; (6) or upon any railroad, whether steam, electric or hydraulic; (7) or upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state.

Sixteen years: age limit for following industries.

Sec. 13002. No child under the age of sixteen years shall be employed, permitted or suffered to work in any capacity (1) in, about or in connection with any processes in which dangerous or poisonous acids are used; (2) nor in the manufacture or packing of paints, colors, white or red lead; (3) nor in soldering; (4) nor in occupation causing dust in injurious quantities; (5) nor in the manufacture or use of dangerous or poisonous dyes; (6) nor in the manufacture or preparation of compositions with dangerous or poisonous gases; (7) nor in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; (8) nor on scaffolding; (9) nor in heavy work in the building trades; (10) nor in any tunnel or excavation; (11) nor in, about or in connection with *any mine, coal breaker, coke oven, or quarry*; (12) nor in assorting, manufacturing or packing tobacco; (13) nor in operating any automobile, motor car or truck; (14) nor in a bowling alley; (15) nor in a pool or billiard room; (16) nor in any other occupation dangerous to the life and limb or injurious to the health or morals of such child.

Employer to furnish satisfactory evidence of age.

Sec. 13007-1. An inspector of factories, attendance officer, or other officer charged with the enforcement of the laws relating to the employment of minors or school attendance may make demand on any employer in or about whose place or establishment or material or equipment a person apparently under the age of eighteen years is employed or permitted or suffered to work, and whose employment certificate is not filed as required by this act, that such employer shall furnish him satisfactory evidence that such person is in fact over eighteen years of age. The inspector of factories, attendance officer, or other officer charged with the enforcement of such laws, shall require from such employer unless an overage certificate is held by the employe the same evidence of age of such child as is required upon the issuance of an age and schooling certificate. Failure of such employer to produce such evidence shall be deemed a violation of the laws relating to the employment of minors.

Failure to produce satisfactory evidence of age.

Sec. 13007-2. In case any employer shall fail to produce and deliver to a factory inspector, truant officer, or other officer charged with the enforcement of this act, within ten days after demand made pursuant to [section 13007-1](#) of this act, the evidence of age therein required, proof of the making of such demand and of such failure to produce and file such evidence shall be prima facie evidence of the illegal employment of such child in any prosecution brought therefor.

Age and schooling certificate; by whom approved.

Sec. 7766. An age and schooling certificate may be issued only by the superintendent of schools and only upon satisfactory proof that the child to whom the certificate is issued is over sixteen years of age and has satisfactorily passed a test for the completion of the work of the seventh grade, provided that residents of other states who work in Ohio must qualify as aforesaid with the proper school authority in the school district in which the establishment is located, as a condition of employment or service.

Any such age and schooling certificate may be issued only upon satisfactory proof that the employment contemplated by the child is not prohibited by any law regulating the employment of such children; and when the employer of any minor for whom such age and schooling certificate shall have been issued shall keep such age and schooling certificate on file as provided by law, the provisions of section 6245-2, General Code, shall not apply to such employer in respect to such child while engaged in an employment legal for a child of the given sex and of the age stated therein.

Age and schooling certificate forms shall be formulated by the superintendent of public instruction, and except in cases otherwise specified by law must be printed on white paper. Every such certificate must be signed in the presence of the officer issuing it by the child in whose name it is issued. Blank certificates shall be furnished by the superintendent of public instruction upon request.

Sec. 7766-1. The superintendent of schools shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed:

(1) The written pledge or promise of the person, partnership or corporation to legally employ the child, to permit him to attend school as provided in section 7767, General Code, and to return to the superintendent of schools the age and schooling certificate of the child or give notice of the non-use thereof within two days from the date of the child's withdrawal or dismissal from the service of that person, partnership or corporation, giving the reasons for such withdrawal or dismissal.

(2) The school record of the child, properly filled out and signed by the person in charge of the school which the child last attended; giving the recorded age of the child, his address, standing in studies, rating in conduct, and attendance in days during the school year of his last attendance, and if that was not a full year, during the preceding school year.

(3) Evidence of the age of the child as follows:

(a) The birth certificate of the child (or duly attested transcript thereof) issued near the date of the birth of the child by the registrar of vital statistics of Ohio, or by a similar officer charged with the duty of recording births in another state or country, shall be conclusive evidence of the age of the child.

(b) In the absence of such certificate, a passport (or duly attested transcript thereof) showing the date and place of birth of the child, filed with a register of passports at a port of entry of the United States; or a duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of the child, shall be conclusive evidence of the age of the child.

(c) In case no one of the above proofs of age can be produced, other documentary evidence (except the affidavit of the parent, guardian or custodian) satisfactory to the superintendent of schools may be accepted in lieu thereof.

(d) In case no documentary proof of age can be procured, the superintendent may receive and file an application signed by the parent, guardian or custodian of the child that a physician's certificate be secured to establish the sufficiency of the age of the child. Such application shall state the alleged age of the child, the place and date of birth, his present residence, and such further facts as may be of assistance in determining the age of the child, and shall certify that the person signing the application is unable to obtain any of the documentary proofs specified in (a), (b) and (c) above.

If the superintendent of schools is satisfied that a reasonable effort to procure such documentary proof has been without success such application shall be granted and the certificate of the school physician or if there be none, of a physician employed by the board of education, that said physician is satisfied that the child is above the age required for an age and schooling certificate as stated in [section 7766](#), General Code, shall be accepted as sufficient evidence of age.

(4) A certificate from the school physician or physician designated by him, or if there be no school physician from the district health commissioner, or physician designated by him, showing after a thorough examination that the child is physically fit to be employed in such occupations as are not prohibited by law for a boy or girl, as the case may be, under eighteen years of age.

But a certificate with the word limited written, printed or stamped diagonally across its face may be furnished by the school physician or other person indicated in the above sentence, and accepted by the superintendent of schools in issuing a "limited" age and schooling certificate provided in [section 7766-3](#), General Code, showing that the child is physically fit to be employed in some particular occupation not prohibited by law for a boy or girl as the case may be of the

child's age which the child contemplates entering even if the child's complete physical ability to engage in any occupation as required in the preceding sentence cannot be vouched for.

Sec. 7766-2. When an age and schooling certificate, returned according to [section 7766-1](#), General Code, is reissued, the pledge of the new employer and certificate from the school physician or other person in his stead shall be secured and filed.

Sec. 7766-3. The age and schooling certificate provided in section 7766, General Code, shall be issued only with the word "limited" printed or stamped diagonally across its face if the certificate of the physician provided in [section 7766-1](#) or [7766-2](#), General Code, is a limited certificate and in that case the particular employment to which it is limited shall be stated in the certificate, and the certificate cannot serve as the legal age and schooling certificate for employment in another occupation. Such limited certificate shall be printed on pink paper.

Sec. 7766-4. In order to ascertain whether applicants for age and schooling certificates have satisfactorily completed the school work prescribed in [section 7766](#), General Code, the board of education of any city school district may appoint a juvenile examiner who shall receive such compensation as may be fixed by the board of education. When such a juvenile examiner is employed no such certificate shall be granted by the superintendent of schools of the district unless the juvenile examiner has certified that he has examined the child and that the child has passed to his satisfaction the grade test as provided by [section 7766](#), General Code, provided, however, that if a child in the opinion of said juvenile examiner is below the normal in mental development so that he cannot with further schooling and due industry pass such test, such fact shall be certified to by said examiner and the superintendent of schools shall grant the child an age and school certificate printed on yellow paper with the words "Retarded-Schooling not Standard" written, printed or stamped diagonally across the face; and provided, further, that if the juvenile examiner is satisfied that the standard of any school is sufficiently high, he may accept the records thereof as showing that a child has passed the required test. In case no juvenile examiner is employed the superintendent of schools may proceed and determine in like manner; if after proper tests he determines that a child is below normal in mental development to the extent specified above, he shall grant such a "retarded" age and schooling certificate. If a child who desires an age and schooling certificate is granted a "retarded" certificate but secures only a limited health certificate; the word "limited" shall be written or stamped across the face of the "retarded" certificate and the limited "retarded" certificate shall be on yellow paper; in which case the certificate shall show to what employment it is limited.

Sec. 7766-5. A record giving all the facts contained in every age and schooling certificate issued shall be kept on file in the office issuing the same; and also a record of the names and addresses of the children to whom certificates have been refused, together with the names of the schools and grades which such children should attend and the reasons for the refusals; and also a record of all certificates returned or no longer used, as provided in [sections 7766-1](#), (1), [7766-6](#) or [7766-9](#), General Code, with the reasons therefor, and the subsequent assignment of the child to a school, if any; and also a record of the conditions on which any certificates were issued, and there shall be kept on file also the pledges given in connection therewith; and also a record of the special facts connected with the issuing of "retarded" or limited certificates. The superintendent of public instruction shall have the power to prescribe methods of filing of all such facts, records and papers, for purposes of effective reference. The above-named record is nevertheless not required in the cases of certificates denied to those determined immediately at the time of inquiry to be of insufficient age.

Sec. 7766-6. The superintendent of schools may issue a vacation certificate to a boy or girl under eighteen years of age and over fourteen years of age which shall permit him to be employed within the restrictions of other statutes during the summer school vacation up to August 25th, in occupations not forbidden by [sections 13001](#), [13002](#) or [13007-3](#), General Code, to children of his age and sex, regardless of what schooling he has completed, but before such certificate is issued the requirements prescribed in [section 7766-1](#) with relation to health, written pledge of employment, and proof of age must be complied with. Such vacation certificate shall be printed on blue or blue-tinted paper and the word "vacation" shall be printed or stamped across its face; such certificate shall include a statement of the school and grade in which the child is enrolled. Such certificates must be returned to the superintendent of schools by employers within the same period and under the same penalties as regular age and schooling certificates and may be revoked by the superintendent of schools at any time because of the physical condition of the child or other sufficient cause.

If a child who desires a vacation age and schooling certificate secures only a limited health certificate the word "limited" shall be written or stamped across the face of the vacation certificate and the limited vacation certificate shall be on blue or blue-tinted paper; in which case the certificate shall show to what employment it is limited.

Sec. 7766-7. Whenever the school record of a child as specified in [section 7766-1](#), General Code, is required for the purpose of determining his eligibility to an age and schooling certificate, such record shall be furnished by the superintendent, principal, teacher or other official in charge of the public, private or parochial school attended by the child within two days after a request for the same is made by the parent, guardian or custodian of the child.

Sec. 7766-8. Whenever an age and schooling certificate is applied for by a child over sixteen years of age who is unable to satisfactorily pass a test for the completion of the work of the seventh grade and who is not so below the normal in mental development that he cannot with

further schooling and due industry pass such a test, an age and schooling certificate with the words "Conditional—Schooling not Standard" printed or stamped across its face may be issued by the superintendent of schools to such child upon proof acceptable to such superintendent of schools of the following facts and upon agreement to the respective conditions made in writing by the child and by the parent, guardian or custodian in charge of such child:

(A) Facts to be proved:

That the child is addicted to no habit which is likely to detract from his reliability or effectiveness as a worker, or proper use of his earnings or leisure, or the probability of his faithfully carrying out the conditions to which he agrees as specified in (B) below, and in addition any one of the following groups of facts—

(1) That the child has been a resident of the school district for the last two or more years, has diligently attended upon instruction at school for the last two years or more, and is able to read, write and perform the fundamental operations of arithmetic. These abilities shall be judged by the juvenile examiner or if there be none, by the superintendent of schools.

(2) That the child having been a resident of the school district less than two years, diligently attended upon instruction in school in the district or districts in which the child was a resident next preceding his residence in the present district for the last school year preceding his removal to the present district, and has diligently attended upon instruction in the schools of the present school district for the period that he has been a resident thereof.

(3) That the child has removed to the present school district since the beginning of the last annual school session, and that instruction adapted to his needs is not provided in the regular day schools in the school district.

(4) That the child is not sufficiently familiar with the English language to be properly instructed in the full-time day schools of the district.

(5) That the child is needed for the support or care of a parent or parents or for the support or care of brothers or sisters for whom the parents are unable to provide and that the child is desirous of working for the support or care of such parents or siblings and that such child cannot render such needed support or care by a reasonable effort outside of school hours. But no age and schooling certificate shall be granted to a child upon proof of the facts in the preceding sentence without written consent given to the superintendent of schools by the judge of the juvenile court and by the board of state charities.

(B) Conditions to be agreed to:—

(1) In case the certificate is granted under facts (1), (2), (3) or (5) above, that until reaching the age of eighteen years the child will diligently attend in addition to part-time classes, such evening classes as will add to his education for literacy, citizenship or vocational preparation which may be made available to him in the school district and which he may be directed to attend by the superintendent of schools, or in case no such classes are available, that he will pursue such reading and study and report monthly thereon as may be directed by the superintendent of schools.

(2) In case the certificate is granted under fact (4) above, that until the age of twenty-one years or until the person is eighteen years of age and has learned to read, write and speak the English language, the said person will attend in addition to part-time classes, such evening classes as will assist the person to learn the American language or advance in Americanization which may be made available to him in the school district and which he may be directed to attend by the superintendent of schools. Such conditional age and school certificate shall be printed on green paper. If a conditional age and schooling certificate is at the same time a limited certificate, the word "limited" shall be written or stamped diagonally across the face and the provisions of [section 7766-3](#), General Code, shall apply except as to the color of the certificate.

Sec. 7766-9. A special age and schooling certificate which shall permit a child to be employed during the hours that the school to which the holder is assigned is not in session, other than the summer vacation, or, where cooperative part-time classes approved by the state board of education have been established, shall permit a child to be employed on the alternate days, weeks, or periods, on which his division is assigned to such part-time employment may be issued to a child above fourteen years of age under all of the conditions other than age and education which apply to a regular age and schooling certificate and such additional conditions as the superintendent of schools may deem necessary. Such special age and schooling certificate shall entitle such child to engage in occupations not forbidden to such children by [section 13001](#), [13002](#) or 13007-3, General Code. Provided, however, that said [sections 13001](#), [13002](#) and 13007-3, shall not be interpreted in such a way as to prevent any pupil from working on any properly guarded machine in the manual training department of any school when such work is performed under the personal supervision of an instructor.

No child under sixteen years of age shall be engaged in school and employment above nine hours altogether in any one day.

Every special age and schooling certificate shall be limited and specific and shall be in such form as will show all essential facts, and the form thereof or directions for recording the facts thereon may be prescribed by the superintendent of public instruction.

Such certificate shall be printed on light brown paper.

Such certificate shall be returned to the superintendent of schools on or before the day that school adjourns for the summer vacation except when the co-operative part-time classes continue during the summer vacation. They shall be filed and returned by employers under the same conditions and penalties as apply to regular age and schooling certificates.

(H.B. No. 111—109 O.L., 376.)

CREATING THE DEPARTMENT OF INDUSTRIAL RELATIONS.

Sec. 154-1. In order that the governor may exercise the supreme executive power of the state vested in him by the constitution and adequately perform his constitutional duty to see that the laws are faithfully executed, the administrative functions of the state are organized as provided in this chapter.

All powers vested in and duties imposed upon the lieutenant governor, the secretary of state, the auditor of state, the treasurer of state and the attorney general by the constitution and the laws shall continue except as otherwise provided by this chapter.

Sec. 154-2. As used in this chapter:

"Department" means the several departments of state administration enumerated in [section 154-3](#) of the General Code.

"Division" means a part of a department established as provided in [section 154-8](#) of the General Code, for the convenient performance of one or more of the functions committed to a department by this chapter.

The phrase "departments, offices and institutions" includes every organized body, office and agency established by the constitution and laws of the state for the exercise of any function of the state government, and every institution or organization which receives any support from the state.

Sec. 154-3. The following administrative departments are created:

The department of industrial relations, which shall be administered by the director of industrial relations, hereby created;

The director of each department shall, subject to the provisions of this chapter, exercise the powers and perform the duties vested by law in such department.

Sec. 154-4. Each director whose office is created by [section 154-3](#) of the General Code shall be appointed by the governor by and with the advice and consent of the senate, and shall hold his office during the pleasure of the governor.

Sec. 154-5. In each department there shall be an assistant director, who shall be designated by the director to fill one of the offices within such department, enumerated in [section 154-6](#) of the General Code, or as the head of one of the divisions created within such department as authorized by [section 154-8](#) of the General Code. When a vacancy occurs in the office of director of any department, the assistant director thereof shall act as director of the department until such vacancy is filled.

Sec. 154-6. Offices are created within the several departments as follows:

In the Department of Industrial Relations
Chiefs of divisions as follows:
 Factory inspection
 Labor statistics
 Mines

Sec. 154-7. The officers mentioned in [sections 154-5](#) and [154-6](#) of the General Code shall be appointed by the director of the department in which their offices are respectively created, and shall hold office during the pleasure of such director.

Sec. 154-8. The officers mentioned in [sections 154-5](#) and [154-6](#) of the General Code shall be under the direction, supervision and control of the directors of their respective departments, and shall perform such duties as such directors shall prescribe.

With the approval of the governor, the director of each department shall establish divisions within his department, and distribute the work of the department among such divisions. Each officer created by [section 154-6](#) of the General Code shall be the head of such a division.

With the approval of the governor, the director of each department shall have authority to consolidate any two or more of the offices created in his department by [section 154-6](#) of the General Code, or to reduce the number of or create new divisions therein.

The director of each department may prescribe regulations, not inconsistent with law, for the

government of his department, the conduct of its employes, the performance of its business and the custody, use and preservation of the records, papers, books, documents and property pertaining thereto.

Sec. 154-14. Each officer whose office is created by [sections 154-3](#), [154-5](#) and [154-6](#) of the General Code shall, before entering upon the duties of his office, take and subscribe an oath of office as provided by law and give bond, conditioned according to law, with security to be approved by the governor in such penal sum as shall be fixed by the governor, not less in any case than ten thousand dollars. Such bond and oath shall be filed in the office of the secretary of state.

The director of each department may, with the approval of the governor, require any chief of a division created under the authority of this chapter, or any officer or employe in his department, to give like bond in such amount as the governor may prescribe. The premium, if any, on any bond required or authorized by this section may be paid from the state treasury.

Sec. 154-15. The director of each department may, with the approval of the governor, establish and appoint advisory boards to aid in the conduct of the work of his department or any division or divisions thereof. Such advisory boards shall exercise no administrative function, and their members shall receive no compensation, but may receive their actual and necessary expenses.

Sec. 154-16. Each officer whose office is created by [sections 154-3](#), [154-5](#) and [154-6](#) of the General Code shall devote his entire time to the duties of his office, and shall hold no other office or position of profit. In addition to his salary provided by law, each such officer and each member of the boards and commissions in the departments created by this chapter shall be entitled to his actual and necessary expenses incurred in the performance of his official duties.

Sec. 154-17. Each department shall maintain a central office in the city of Columbus. The director of each department may, in his discretion and with the approval of the governor, establish and maintain, at places other than the seat of government, branch offices for the conduct of any one or more functions of his department.

Sec. 154-18. Each department shall adopt and keep an official seal, which shall have engraved thereon the coat of arms of the state as described in section thirty of the General Code, shall be one and three-fourths inches in diameter, and shall be surrounded by the proper name of the department, to which may be added the title of any division, board or commission within the department, if the director of the department shall so prescribe. Such seal may be affixed to any writs and authentications of copies of records and official papers, and to such other instruments as may be authorized by law or prescribed by the proper authority in any department to be executed. When so authenticated, any copy of such record, official paper, or other instrument shall be received in evidence in any court in lieu of the original.

Each department shall provide for the keeping, within such department, of such records and journals as may be necessary to exhibit its official actions and proceedings.

Sec. 154-19. Each department is empowered to employ, subject to the civil service laws in force at the time the employment is made, the necessary employes, and, if the rate of compensation is not otherwise fixed by law, to fix their compensation. Nothing in this chapter shall be construed to amend, modify or repeal the civil service laws of the state, except as herein expressly provided.

All offices created by [sections 154-5](#) and [154-6](#) of the General Code shall be in the unclassified civil service of the state.

Sec. 154-20. All employes in the several departments shall render not less than eight hours, of labor each day, Saturday afternoons, Sundays and days declared by law to be holidays excepted in cases in which, in the judgment of the director, the public service will not thereby be impaired.

Each employe in the several departments shall be entitled during each calendar year to fourteen days leave of absence with full pay. In special and meritorious cases where to limit the annual leave to fourteen days in any one calendar year would work peculiar hardship, it may, in the discretion of the of the department, be extended. No employe in the several departments, employed at a fixed compensation, shall be paid for any extra services, unless expressly authorized by law.

Sec. 154-21. Under the direction of the governor, the directors of departments shall devise a practical and working basis for cooperation and coordination of work and for the elimination of duplication and overlapping functions. They shall, so far as practicable, cooperate with each other in the employment of services and the use of quarters and equipment. The director of any department may empower or require an employe of another department, subject to the consent of the superior officer of the employe, to perform any duty which he might require of his own subordinates.

Sec. 154-22. Each department shall make and file a report of its transactions, and proceedings at the time and in the manner prescribed by section 2264-1 of the General Code.

Sec. 154-23. Whenever power is vested in any of the departments created by this chapter, or in any other state department, board or commission, to inspect, examine, secure data or information, or to procure assistance from another department, office or institution, a duty is

hereby imposed upon the department, office or institution, upon which demand is made, whether created by this chapter or otherwise, to make such power effective.

Sec. 154-24. Whenever rights, powers or duties which have heretofore been vested in or exercised by any officer, board, commission, institution or department, or any deputy, inspector or subordinate officer thereof, are, by this chapter, transferred, either in whole or in part, to or vested in a department created by this chapter, or any other department, office or institution, such rights, powers and duties shall be vested in, and shall be exercised by the department, office or institution to which the same are hereby transferred, and not otherwise; and every act done in the exercise of such rights, powers and duties shall have the same legal effect as if done by the former officer, board, commission, institution or department, or any deputy, inspector, or subordinate officer thereof. Every person, firm and corporation shall be subject to the same obligations and duties and shall have the same rights arising from the exercise of such rights, powers and duties as if such rights, powers and duties were exercised by the officer, board, commission, department or institution, or deputy, inspector or subordinate thereof, designated in the respective laws which are to be administered by departments created by this chapter. Every person, firm and corporation shall be subject to the same penalty or penalties, civil or criminal, for failure to perform any such obligation or duty, or for doing a prohibited act, as if such obligation or duty arose from, or such act were prohibited in, the exercise of such right, power or duty by the officer, board, commission or institution, or deputy, inspector or subordinate thereof, designated in the respective laws which are to be administered by departments created by this chapter. Every officer and employe shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer or employe whose powers or duties devolve upon him under this chapter.

Department of Industrial Relations.

Sec. 154-45. The department of industrial relations shall have all powers and perform all duties vested by law in the industrial commission of Ohio, excepting the following:

Those powers and duties of the commission which it exercises as successor of the state liability board of awards, the state board of arbitration, the board of boiler rules, and in the investigation, ascertainment and determination of standards, devices, safeguards, and means of protection, being all powers and duties mentioned in paragraphs 3 to 8, both inclusive, of section 871-22 of the General Code, sections 871-23, 871-26, 871-27, 871-28, 871-30, 871-32, 871-33, 871-34 and 871-35, sections 1058-8 to 1058-12, both inclusive, 1058-16, 1063 to 1077, both inclusive, and sections 1465-37 to 1465-108, both inclusive, of the General Code, and the powers of the commission as successor of the board of boiler rules under section 1058-18 of the General Code, which shall continue to be exercised and performed by the industrial commission of Ohio in the manner provided by law for the exercise of such powers and the performance of such duties.

The industrial commission of Ohio shall be a part of the department of industrial relations for administrative purposes in the following respects: The director of industrial relations shall be ex-officio the secretary of said commission, shall succeed to and perform all of the duties of the secretary of said commission, and shall exercise all powers of said secretary as provided by law; but such director may designate any employe of the department as acting secretary to perform the duties and exercise the powers of secretary of the commission. All clerical, inspection and other agencies for the execution of the powers and duties vested in the said industrial commission shall be deemed to be in the department of industrial relations, and the employes thereof shall be deemed to be employes of said department and shall have and exercise all authority vested by law in the employes of such commission. But the industrial commission of Ohio shall have direct supervision and control over, and power of appointment and removal of, such employes whose position shall be designated by the governor as fully subject to the authority of such commission.

The commission may appoint advisers, who shall without compensation assist the commission in the execution of the powers and duties retained by it under this section.

Sec. 2250. The annual salaries of the appointive state officers and employes herein enumerated shall be as follows:

Department of Industrial Relations:

- Director of industrial relations, six thousand five hundred dollars.
- Chief of division of factory inspection, three thousand six hundred dollars.
- Chief of division of labor statistics, three thousand dollars.
- Chief of division of mines, three thousand six hundred ollars.

SECTION 3. Said original sections 243, 321, 496, 710-6, 840, 1170, (enacted as section 93 of an act entitled "An Act to create the agricultural commission of Ohio and to prescribe its organization", etc., approved May 3, 1913, (103 Ohio Laws 323)), 1170, (enacted as section 1 of an act entitled "An Act to create a board of control for the Ohio agricultural experiment station", etc., approved April 8, 1915, (106 Ohio Laws, 122)), 1171, 1172, (enacted as section 95 of an act entitled "An Act to create the agricultural commission of Ohio and to prescribe its organization",

etc., approved May 3, 1913 (103 Ohio Laws, 324)), 1172, (enacted as section 7 of an act entitled "An Act to create a board of control for Ohio agricultural experiment station", etc., approved April 8, 1915, (106 Ohio Laws, 123)), 1173, (enacted as section 96 of an act entitled "An Act to create the agricultural commission of Ohio and to prescribe its organization", etc., approved May 3, 1913, (103 Ohio Laws, 324)), 1173, (enacted as section 8 of an act entitled "An Act to create a board of control for the Ohio agricultural experiment station", etc., approved April 8, 1915, (106 Ohio Laws, 123)), 1178, 1233, 1261-2, 1807, 1857, 1931-1, 2248, 2250, 2288-1 as enacted by the act approved March 29, 1917 (107 O.L. 457), 2312, 2313 and 7939 of the General Code, and sections 86, 87, 88, 89, 90, 146, 147, 148, 149, 150, 151, 152, 153, 154, 196-1, 196-2, 196-3, 196-16, 196-18, 199, 242-1, 242-2, 270-1, 270-4, 270-5, 367-3, 367-4, 403-1, 406, 408, 409, 498, 615, 616, 618, 619, 620, 674, 675, 744-14, 744-15, 744-16, 744-17, 744-19, 744-20, 744-23, 746, 747, 752, 788, 789, 790, 791, 798-2, 798-4, 708-8, 799, 800, 801, 820, 821, 822, 823, 842, 844, 845, 848, 871-46, 871-47, [905](#), 982, 1079, 1079-1, 1080, 1081, 1083, 1084, 1087, 1087-2, 1088, 1089, 1089-1, 1099, 1123, 1171-2, 1171-3, 1177-22, 1177-23, 1177-24, 1177-25, 1179, 1180, 1183, 1232-1, 1233-1, 1236-2, 1261-1, 1440, 1465-8, 1465-43, 1808, 1809, 1833, 1834, 1836, 1837, 1841-7, 1861 and 5227 of the General Code are hereby repealed.

SECTION 4. Every officer and employe in the classified civil service of the state civil service at the time this act takes effect shall be assigned to a position in the proper department created by this act, and, so far as possible, to duties equivalent to his former office or employment; and such officers and employes shall be employes of the state in the classified civil service of the state of the same standing, grade and privileges which they respectively had in the office, board, department, commission or institution from which they were transferred, subject, however, to existing and future civil service laws. This section shall not be construed to require the retention of more employes than are necessary to the proper performance of the functions of such departments.

All books, records, papers, documents, property, real and personal, and pending business in any way pertaining to the rights, powers and duties by this act transferred to or vested in a department created by this act, or to or in any other office, department or institution, at the time this act takes effect shall be delivered and transferred to the department, office or institution succeeding to such rights, powers and duties.

This act shall not affect any act done, ratified or affirmed, or any right accrued or established, or any pending action, prosecution or proceedings, civil or criminal, at the time it takes effect; nor shall this act effect causes of such action, prosecution or proceeding existing at the time it takes effect; but such actions, prosecutions or proceedings may be prosecuted and continued, or instituted and prosecuted, by or before the department having jurisdiction or power under this act of the subject matter to which such action, prosecution or proceeding pertains.

If the senate is not in session at the time initial appointments are to be made under this act, the governor shall make temporary appointments as in case of a vacancy, to all offices required by this act to be filled by appointment by the governor by and with the advice and consent of the senate, unless the initial appointments are otherwise provided for in this act.

If this act shall go into effect prior to the expiration of the present fiscal year, the present existing departments, bureaus, offices, boards, commissions, and other organizations of the state government affected by this act shall continue, and the officers and employes therein shall continue to serve until the expiration of the present fiscal year for which appropriations have been made, unless their terms of office expire prior thereto; and the reorganization herein provided for shall be put into effect and the officers whose positions are hereby created shall assume their duties at the commencement of the succeeding fiscal year.

SECTION 5. This act is hereby declared to be an emergency law necessary for the immediate preservation of the public peace, health and safety. The reasons for such necessity lie in facts, which two-thirds of all the members elected to each branch of the general assembly have considered, found and determined and which are separately set forth herein, as follows:

The eighty-third general assembly created a joint legislative committee to "investigate all of the * * * offices which have been created by the general assembly * * * with a view of * * * combining and centralizing the duties of the various departments, eliminating such as are useless and securing for the state of Ohio such a reorganization of its governmental activities as will promote greater efficiency and greater economy therein." Said committee made exhaustive investigations and published numerous reports, declaring the necessity of reorganizing fundamentally the executive branch of the state government in order to promote efficiency and conserve the public funds. Upon the organization of the eighty-fourth general assembly, special committees were appointed in each house thereof to consider the recommendations of the former joint committee. The governor, in his message to the general assembly, recommended action along the general lines indicated by the former committee's report. Wide publicity has been given to various projected plans of reorganization.

According to the annual reports of the auditor of state, the balances subject to draft in the general revenue fund of the state, from which many of the activities of the state government are supported, had shrunk from more than two million dollars on June 30th, 1919, to less than one million dollars on June 30th, 1920, (all of which, and more, was covered by unlapsed appropriations for the preceding fiscal year), clearly indicating the immediate necessity either for increasing the revenues of the state, or for effecting such a reorganization of the state administration as would tend to conserve the present revenues. General economic conditions

make increased taxes highly undesirable at the present time.

At the convening of the eighty-fourth general assembly numerous vacancies existed in various state offices and in various state boards, and other like vacancies have occurred since that time. By reason of the known probability of a reorganization such as is embodied in this act, persons appointed to fill such vacancies have uncertain tenure and are thereby deterred from initiating and carrying through definite administrative policies; and in several instances such appointments have been accepted temporarily only, pending early reorganization.

As a result of all the foregoing, the state service in the appointive state departments, shown by said investigations to be wasteful and inefficient, is becoming increasingly demoralized. All of these departments exercise functions pertaining to the protection of the public health, the conservation of the public peace and morals, or the promotion of the public safety. The necessity of placing their functions upon a sound, economical, permanent and secure basis is great and immediate.

The appropriations for the current expenses of the state government and institutions which must be made by the eighty-fourth general assembly for the fiscal biennium beginning July 1st, 1921, cannot be effectually apportioned nor their amounts fixed unless the reorganization effected by this act is operative during the period to be covered by such appropriations, so that the departments and offices of the state government are definitely determined; and such determination must be made and the framework of the executive branch of the state government must be definitely established and known at the time the general assembly is considering such appropriations.

Therefore, this act shall go into immediate effect.

Passed April 19, 1921.

Approved April 26, 1921.

RUPERT BEETHAM,
Speaker of the House of Representatives.

CLARENCE J. BROWN,
President of the Senate.

HARRY L. DAVIS, *Governor.*

Filed in office of Secretary of State, April 26, 1921.

(109 O.L., 105.)

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*** END OF THE PROJECT GUTENBERG EBOOK MINING LAWS OF OHIO, 1921 ***

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