

1877

An act to establish the office of commissioner of mines and to repeal an act, entitled, "an act to establish a territorial assay office," approved January 10, 1868; also, "an act to establish assay offices in Colorado territory," approved February 8, 1872; also, "an act to establish assay offices in Colorado territory," approved February 10, 1874; also, "an act to amend an act entitled an act to establish assay offices in Colorado territory," approved February 11, 1876.

Colorado General Assembly

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## CHAPTER XIV.

## COAL MINES.

AN ACT TO COMPEL OWNERS OF COAL MINES TO FENCE THEIR SLACK PILES AND ABANDONED PITS.

*Be it enacted by the General Assembly of the State of Colorado :*

Slack piles to be fenced.

137. SECTION 1. That the owner or operators of coal mines from which fine or slack coal is taken and piled upon the surface of the ground, in such quantities as to produce spontaneous combustion, shall fence said ground in such manner as to prevent loose cattle or horses from having access to such slack piles.

Abandoned coal pits or shafts to be filled or fenced.

138. SEC. 2. All owners of lands having abandoned coal pits, or shafts on the same, of sufficient depth to endanger the life of cattle, horses, or other stock; shall fence or fill said pits or shafts in such a manner as to afford permanent protection to all such stock endangered thereby.

Penalty for violation.

139. SEC. 3. Every person violating sections one (1) and two (2) of this act shall be deemed guilty of a misdemeanor and shall be fined in a sum not less than twenty (20) dollars, nor more than one hundred (100) dollars, to be collected as other fines are collected, and shall be further liable to any party injured thereby, in the amount of the actual injury sustained.

Approved, February 2, 1877.

## CHAPTER XV.

## COMMISSIONER OF MINES.

AN ACT TO ESTABLISH THE OFFICE OF COMMISSIONER OF MINES, AND TO REPEAL AN ACT, ENTITLED, "AN ACT TO ESTABLISH A TERRITORIAL ASSAY OFFICE," APPROVED JANUARY 10, 1868; ALSO, "AN ACT TO ESTABLISH ASSAY OFFICES IN COLORADO TERRITORY," APPROVED FEBRUARY 8, 1872; ALSO, "AN ACT TO ESTABLISH ASSAY OFFICES IN COLORADO TERRITORY," APPROVED FEBRUARY 10, 1874; ALSO, "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ESTABLISH ASSAY OFFICES IN COLORADO TERRITORY," APPROVED FEBRUARY 11, 1876.

*Be it enacted by the General Assembly of the State of Colorado :*

Office established.

141. SECTION 1. The production and reduction of ores being a leading industry of the people of Colorado, and

being pursuits in which all are interested, and from which all derive benefit, and reliable statistical information of values concerning mines and milling, being only accessible through the ministerial powers of the state; therefore, in accordance with the provisions of section 1, of article 16, of the constitution of the state of Colorado, the office of commissioner of mines is hereby established.

141. SEC. 2. There shall be appointed by the governor of the state, with the advice and consent of the senate, a commissioner of mines, who shall be a person known to be competent, theoretically and practically acquainted with mining and the treatment of ores, whose term of office shall be four (4) years, unless sooner removed for good cause, and whose office shall be at the state school of mines, at Golden; *provided*, that when a vacancy shall exist in the foregoing office, and the senate shall not be in session, the governor shall have power to appoint said commissioner of mines, who shall perform the duties and receive the compensation of such office as hereafter provided, until the next session of the general assembly, when the governor shall submit such appointment to the senate for their approval or rejection.

Appointment of  
commissioner  
and term of  
office.

In case of  
vacancy.

142. SEC. 3. The commissioner of mines shall have a seal bearing the words, "Commissioner of Mines of the State of Colorado," which shall be kept by him expressly for the use of his office, and said seal shall be affixed to official documents only.

Commissioner  
shall have seal.

143. SEC. 4. It shall be the duty of the commissioner of mines to collect reliable statistical information concerning the production and reduction of all precious or useful minerals in this state; to examine the different processes for the treatment of ores, used in this state, and to inquire into the merits of other processes alleged or demonstrated by practical experience elsewhere; to be the most successful; to inquire into the relative merits of the various inventions, machines, mechanical contrivances, now in use, or which may be hereafter introduced, for mining and metallurgical purposes.

Duties generally

144. SEC. 5. The commissioner of mines shall have power and authority, either in person, or by a duly ap-

Powers.

pointed deputy, to visit and examine any mine or piece of mining ground, for the purposes of ascertaining the condition of the same in regard to its safety and means of egress from the same, and, for this purpose, shall have access to any and all levels, stopes, tunnels, winzes, shafts, and shaft-power of any mine, for the purpose of said inspection.

Duties in case of  
dangerous mines

145. SEC. 6. Whenever the commissioner of mines, or his duly authorized deputy, shall receive a formal complaint in writing, signed by two or more persons, setting forth that the mine in which they are employed is dangerous in any respect, he shall visit and examine such mine, and if from such personal examination he shall ascertain that the facilities for egress are insufficient, or that from want of timbering, scaling or slacking of the ground in such mines, so visited, or from other causes, or that the timbers, ladders, ladder-ways, pentices or plats, in any such mine, are in a dangerous condition, it shall become his duty to notify the owners, lessor or lessee thereof, such notice to be in writing, and to be served by copy on any person or persons, in the same manner as provided by law for the serving of legal notices or process; said notice shall state in what particular such egress is insufficient, or in what particulars timbers, ladders, ladder-ways, pentices or plats are dangerous, and shall require the necessary changes to be made without unnecessary delay. And in case any criminal or civil procedure at law against the party or parties so notified on account of loss of life or bodily injury sustained by any employé subsequent to such notice, and in consequence of a neglect to obey the commissioner's requirement, a certified copy of the notice served by the commissioner shall be *prima facie* evidence of the culpable negligence of the party or parties so complained of.

Reports and  
correspondence.

146. SEC. 7. It shall be the duty of the commissioner of mines to keep on file in his office, reports and papers, which may be published from time to time, and all correspondence on the subject of mining and milling, and reducing ores, with a view to eliciting and collecting such information for the public use; he shall address circulars to corporations and individuals engaged in mining, and shall correspond with the school of mines in other states and elsewhere, in reference to mining, metallurgy, etc.

147. SEC. 3. It shall be the duty of said commissioner <sup>Mineral and geological specimens.</sup> to collect, arrange, and classify mineral and geological specimens found in this state, and to keep the same in a department of reference and study, in the state school of mines; he shall also, by analysis or assay, determine the character and value of the same.

148. SEC. 9. It shall be the duty of the commissioner of mines to assay, or cause to be assayed and analyzed in the laboratory of the state school of mines, specimens of the different ores, minerals, metals, coals and mineral water, mined or obtained in this state, whenever requested so to do; he shall keep a permanent record of the same, giving the name of the county, mining district, lode, ledge, deposit, vein or spring, whenever obtained, together with the value and contents thereof; for such assay or analysis, the commissioner of mines shall charge for each and every analysis, assay or test, as follows:—

For Silver only . . . . .	\$ 1 00	Fees for assays.
“ Gold and silver . . . . .	2 00	
“ Zinc, lead, or copper . . . . .	2 00	
“ Analysis of coal . . . . .	10 00	
“ Analysis of ores, from \$5 to \$10 . . . . .	10 00	
“ Analysis of minerals, from \$3 to \$10 . . . . .	10 00	
“ Analysis of mineral water not more than . . . . .	30 00	

He shall keep a correct account of all moneys received from such assays or analysis, and the sum shall be paid by him into the state treasury monthly, and used solely for the fund of the commissioner of mines and state school of mines, and in case of the failure or neglect of the commissioner of mines to keep the record, or to pay into the state treasury all money received by him for analysis, assays and tests, as required by this section, he shall be deemed guilty of a misdemeanor, and may, upon conviction thereof, be punished by fine not to exceed [five hundred dollars] \$500, said fine to be recovered in any court of competent jurisdiction, and paid into the state treasury, for the benefit of the school of mines.

149. SEC. 10. It shall be the duty of the commissioner of mines, at least once in each year, either in person or by a duly authorized deputy, to visit each mining county in

<sup>Penalty for failure to keep record, etc.</sup>

<sup>Examination of mines.</sup>

the state, and examine as many of the mines in the different counties as practicable.

**Annual report.** 150. SEC. 11. The commissioner of mines shall report to the governor of the state, on or before the fifteenth of January, in each year for the year ending on the thirty-first day of December of the preceding year, which report shall contain all statements of accounts, moneys received and expended, statistics, and other information which may tend to promote the development of the mineral resources of the state.

**Duties of commissioner in examination of coal mines.**

151. SEC. 12. He shall at least once during every six months after the date of his appointment, examine carefully the principal coal mines being worked in this state, as to the safety of the workings, the condition of the air in the mines, and the best means of ventilation; the amount of coal excavated, and whether children under fourteen years of age are permitted to work in such coal mines; which facts he shall faithfully report, with recommendations, in his annual report; and for the purpose of making full and thorough examinations he shall have access to all workings in any coal mine owned or worked by any corporation or individuals in this state, and is hereby authorized and required to inspect and examine such mine in all its workings. To facilitate such examination, all corporations or individuals working coal mines in the state, shall keep a true and complete plat of all the workings of such coal mine, with explanatory notes, showing the method of ventilation in such mine, which plat shall be corrected every four months; any agent or superintendent of any corporation or individual working coal mines in this state, who shall refuse to permit said commissioner of mines to examine such mine or who shall neglect to keep a correct plat of the workings of such mine, or who shall employ or permit to be employed in such coal mine, any children under fourteen years of age, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred (500) dollars, or by imprisonment not exceeding one year for each offense.

**Corporations or individuals to keep correct plats of workings in coal mines.**

**Children under fourteen years of age not to be employed in coal mines.**

**Penalty.**

152. SEC. 13. The commissioner of mines shall devote his entire time to the duties of his office, and shall receive

a salary of three thousand (3,000) dollars per annum, and with the consent of the governor of the state shall appoint a deputy commissioner of mines, at a salary not exceeding twelve hundred (1,200) dollars per annum; that on and after the year 1877 the salary of the commissioner and deputy commissioner of mines and assistant, as well as the contingent expenses of the same, shall be paid out of the fund provided for the support of the school of mines. The deputy commissioner shall be under the direction and control of the commissioner, who may remove him for good cause. He shall also appoint as assistant commissioner of mines, the professor in charge of the school of mines at Golden, at a salary of seven hundred (700) dollars per annum, in addition to his pay as said professor. The duties of the assistant commissioner shall be to act as deputy commissioner in the absence of the commissioner, to take charge of the state cabinet, and to make the assays and analyses required in sections eight (8) and nine (9) of this act.

Salary of commissioner; appointment and salary of deputy.

Appointment of assistant; salary and duties

153. SEC. 14. The above salaries to be paid monthly, and contingent expenses to be paid on presentation of vouchers certified to under oath by the commissioner of mines; and the auditor shall draw his warrants accordingly; *provided*, that the amount of contingent expenses for any one year shall not exceed two thousand three hundred (2,300) dollars.

Payment of salaries and contingent expenses.

154. SEC. 15. The different acts to establish assay offices in the territory of Colorado, approved January 10, 1868, and February 11, 1874, and 1876, also that part of section two (2) of "an act to provide for the several expenses of the year 1876, and 1877, approved February 11, 1876, relating to the appropriation for paying the salaries of the territorial assayers," and all other acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

155. SEC. 16. All property belonging to the state that is in the possession of the territorial assayers, shall be turned over to the commissioner of mines.

State property in possession of assayers.

Approved, April 13, 1877.