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A Brief History of Mining Legislation in the State of Ohio.

ANDREW ROY.

READ AT LOGAN MEETING.

The first law relating to mines and mining in the State of Ohio, of any general importance, was enacted in the year 1871, and under the heading of "mines" now constitutes Chapter II of Volume 1, of the revised statutes. The bill was, I think, prepared by James Mackey, Esq., of Youngstown, one of the oldest and ablest mine surveyors in the State. This law contains six sections, beginning with section 4374 and ending with section 4379. Its provisions relate to the surveying of mines, and its object was the protection of persons owning mineral lands, adjoining mines in operation, in case of trespass by the operators of such mines. A person owning land adjoining a mine worked for the production of coal, ore or other mineral substance, or a person having an interest in such mine, having reason to believe that the protection of his interests requires it, may, after giving a day's notice to the parties in interest, enter such mine with a surveying party and make an examination and survey of the working, but such examination or survey shall not be made at unreasonable times, nor in such a manner as to unnecessarily interfere with the working of the mine. In case the operators refuse the surveying party entrance to the mine, the party making the application for the survey may recover damages as upon default in any court of competent jurisdiction against the operators, in such sum as such party may declare under oath he believes to be justly due him for coal, ore or other mineral mined without permission. The provisions of the act are available to any person owning lands within one mile of the shaft mouth.

The same session of the General Assembly which enacted the law referred to above, passed another act in reference to mines, being a joint resolution of the General Assembly providing for the creation of a commission of three competent persons, one of whom should be a practical miner, to visit the various leading coal mines of the State and inspect their condition and manner of working as to ventilation, means of ingress and egress, and as to all other matters affecting the health and safety of the persons employed therein, and to report to the Governor for the use of the Legislature, the facts in the premises, together with such legislation upon the subject as the facts in the judgment of the Commission might

warrant to protect the lives and health of miners. The Commission was also requested to inquire into the cause of strikes among the miners of the State and report the facts and their conclusions in the premises, and what legislation, if any, was necessary to prevent the same. The author of the above joint resolution was Senator Woodworth, of Youngstown.

In 1872 a bill was introduced in the General Assembly by Senator Jones, of Trumbull county, providing for the regulation, ventilation and inspection of the coal mines of the State. This bill was largely a re-cast of one introduced by Senator Daugherty, of Fairfield county, the previous session, which failed of becoming a law. Senator Jones' bill also was not enacted into a law, being superseded by a substitute offered by Mr. Conrad, of Portage county, which contained all the provisions of Senator Jones' bill in regard to the regulation and ventilation of mines, but contained no provision for authorized official inspection by State authority. Mr. Conrad's substitute, which was entitled "a bill regulating coal mines and the working thereof," provided for two separate outlets to mines; required that at least one hundred cubic feet of air per minute per person employed in mines should be circulated to the face of every working place, and that there should be no standing gas in any part of a mine; provision was also made for speaking tubes in all shafts where the human voice could not be distinctly understood; safety catches and covers for cages used for raising and lowering employes, and safety gates at the top of the shaft. A fine of five hundred dollars was imposed on any agent, owner or operator of a mine who refused or neglected to comply with the provisions of the law.

No attention was paid to the provisions of this law by a single mine owner in the State. The miners who had set their hearts upon inspection by State authority, making no effort to enforce it, while the operators seemed to regard it as an unnecessary and unwarranted species of legislation.

In 1874 this law was materially amended by the passage of a bill, introduced by Mr. Baker, of Perry county, which provided for the appointment of a State Inspector of Mines, who was required to possess a practical knowledge of the different systems of working and ventilating coal mines, the nature and constituent parts of the noxious and poisonous gases of mines, particularly fire-damp, and to possess a competent knowledge of chemistry, geology, and mineralogy. The year following the enactment of this law, the venerable Gov. Allen, in his message to the General Assembly, referred to it as an act of justice and mercy to the men who delve in our mines. In 1884 the law which had heretofore been confined to the coal mines, was amended so as to include the mine of iron ore.

Since the passage of the act of 1874, numerous amendments have been made to the law. In 1882, provision was made for an

Assistant Inspector of Mines; in 1884 the office of Chief Inspector of Mines was created, and the State divided into three inspection districts, with an inspector for each district; and in 1888, the law was so amended that five districts were provided for and five District Inspectors of Mines appointed. The provisions for the regulating and ventilation of mines have also undergone numerous changes, several of these amendments being for the worse instead of the better, as for example, the section of the act (298 of the Revised Statutes) which requires break-throughs to be made at least every sixty feet. The Chief Inspector of Mines very properly calls the attention of the General Assembly to this matter in his last annual report. It would ruin the majority of the mines in the State before the domain was half worked over to get them every sixty feet with break-throughs, while in some districts the roof is so tender that the mischief that would be done were the law enforced would be a hundred fold greater than any possible advantage which could be derived. It might be well for the General Assembly to make provision for a commission to revise the act.

The mining law, as it is generally called, comprises 18 sections of the Revised Statutes, beginning with section 290 and running in successive sections to 306, section 6871 being one of the number.

In the year 1876 a law was passed providing for the creation of a School of Mines and Mining Engineering in the State University, then known as the State Agricultural and Mechanical College, the bill having been introduced by Mr. Nigh, of Lawrence county. This law required the trustees of the college to establish a School of Mines and Mining Engineering in said college, in which shall be provided the means for studying, scientifically and experimentally, the survey, opening, ventilation, care and working of mines, and also required that said school shall be provided with complete mining laboratories for the analysis of coal, ore and other minerals, and an appropriation of \$4,500 was made out of the general revenue fund, to be expended in providing apparatus, equipments, cabinets for the school. At the late session of the General Assembly this law was materially amended by the passage of a bill introduced by Dr. Kitchen, the representative from Jackson county, requesting the trustees, in addition to the provisions of the original act, to provide for instruction in the methods and machinery employed for extracting coal, ore, fire-clay, oil, gas and other minerals from the pit's mouth, and for the ascent and descent of workmen draining mines from water, the causes of the viciation of the air of mines, the quantities of fresh air required under the varying conditions of mining, natural ventilation, artificial ventilation by fans and furnaces, and the use of air engines and coal cutting machinery in mines. Since the enactment of this law the Trustees of the State University have made provision for a short course in mining engineering, especially for practical men. The young miner who

will give two years to this course in the State University will find a mine of wealth richer than any coal mine in the State.

Section 6881, vol. 2, page 1632, contains the following provision: "Whoever, in mining for coal or other minerals, wilfully and without lawful authority, trespasses upon the lands of another, shall be fined not more than one hundred dollars nor less than five, or imprisoned not more than ten days, or both." This law was, I think, enacted in 1871. It contains the nucleus of an act worthy the attention of the Ohio Institute of Mining Engineers, especially in reference to the establishment of boundaries or barrier pillars in mines. In shaft mining, for example, if a company should work out all coal to the line of the property and abandon the mine before the company owning adjoining mining property opens up, this latter company would be obliged to leave a barrier pillar of at least thirty feet to protect their mine against the pent up waters of the abandoned mine. Provision should be made by law requiring barrier pillars fifteen feet thick in all mines where the water is unable to discharge itself by gravitation, and that the liability for trespass by operators on the coal of adjoining property be defined by law.

DISCUSSION OF MR. ROY'S PAPER.

Mr. Hester—In regard to leaving barriers of fifteen feet along the line for safety to adjoining property, would say, this might be reasonably safe, if it was practicable. Anyone who has had experience in mines knows how difficult it is to stop when the boundary is reached, if the mineral is of easy access.

Mr. Haseltine—In all portions of the State where the slips of the coal approach the line obliquely at an angle of forty-five degrees, a miner will universally drive his room so that the center of the room will reach the line, counting that the coal which has been taken from one side will counterbalance what is left on the other. With one side reaching over the line in this way it would be a source of danger. My opinion is, that the only safe way to approach a mine that is full of water is first to have the water taken entirely out. I have an instance in mind, in Tuscarawas County, where the mines, in which I was interested, was approaching adjoining territory where mines had been worked out and were full of water. Three or four maps were found, very dingy in color, not even the engineer's name on them, which showed full fifty feet of coal left. I took the precaution to stop the men until the matter was tested by drilling and found only six feet instead of fifty. It is a good idea to have barriers of coal, but it is not safe to mine without taking care of the water in the mines.

Mr. Morris—In that case, fifteen feet might do, but fifteen yards would be better.

Mr. Roy—I do not see that there would be a great advantage to go within fifteen feet of the line and then stop it. When the mine surveyors are more adept and make accurate surveys, there would be no danger in approaching the boundary line. Fifteen feet on each side of the line leaves much coal.

Mr. Haseltine—I do not believe it unreasonable to leave a barrier of fifteen feet, but I do say it is not practicable to enforce such a law in any State in the universe. And then we have to rely on the accuracy of the surveyors, who, it is to be hoped, the School of Mines will make proficient. Even if it is a fact that the great majority of our mines are surveyed, it still would be safer for the party approaching old mines to drive a search entry in that direction, protect the men in that way until he strikes the old mine and then take out the water in such quantity as he can.

Mr. Price—These barriers seem to be a very fine point. I think when parties are driving towards old mines drill holes should be kept considerable in advance of the men at work. This is the custom in England. I think our laws are somewhat lame, and that there should be a law prohibiting the driving up to a line, but leave fifteen feet cover for safety. There is also a law requiring mines to be mapped. We have a great deal of trouble in this respect, as many operators think it an extra expense, but I wish to remark here that it is a gain, as mistakes may be made in excavating and the operator will not know of the coal he is losing by not having the mine surveyed.

Mr. Morris—A point Mr. Roy makes shows plainly the necessity of the good, practical Mining School we are trying to establish at Columbus, in that we need young men to survey mines who know how to leave fifteen feet, getting engineers in the time coming who do not make mistakes. And for this we must get this mining school in shape.

Mr. Price—I wish to remark that whenever a man ceases to make mistakes he is called above.