COPPER AND IRON MINE INSPECTORS

Act 163 of 1911

AN ACT to provide for the election of inspectors of mines in certain cases and the appointment of their deputies, for the appointment of such inspectors of mines and their deputies until the election and qualification of the first inspectors of mines, to prescribe their powers and duties and to provide for their compensation, and to repeal Act No. 213 of the Public Acts of 1887.

History: 1911, Act 163, Eff. Aug. 1, 1911

The People of the State of Michigan enact:

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425.101 Inspector of mines; election, term, and qualifications; prohibited employment; eligibility.

Sec. 1.

There shall be elected at the general election in the year 1968, and at the general election held every fourth year thereafter an inspector of mines for the term of 4 years in any county within this state where there are iron or copper mines situated, some suitable person who is a citizen of this state, who can read and write the English language, and who has had at least 10 years' actual experience in mining, or a person holding the degree of mining engineer, or an equivalent degree, and who shall have practiced his or her profession as a mining engineer for at least 2 years. Inspectors of mines shall not, during their term of office, accept employment or be employed by any mining company or any subsidiary or affiliate thereof. A person elected to any other public office shall not be eligible for election as an inspector of mines, nor for appointment as a deputy inspector.

History: 1911, Act 163, Eff. Aug. 1, 1911 ;-- CL 1915, 5502 ;-- CL 1929, 8522 ;-- CL 1948, 425.101 ;-- Am. 1952, Act 279, Imd. Eff. June 21, 1952 ;-- Am. 1967, Act 33, Eff. Nov. 2, 1967 ;-- Am. 1984, Act 116, Imd. Eff. May 29, 1984

425.102 Inspectors prior to election; appointment, duties.

Sec. 2.

Until the election and qualification of the first inspector of mines to be elected as provided by this act, the inspector of mines and the deputy inspectors heretofore appointed by any board of supervisors shall continue to serve until their terms of office have expired, and such board of supervisors where there are iron or copper mines situated and working is hereby authorized and directed to appoint their successors and to remove the same or any one thereof whenever in its judgment the best interests of owners and employes may so require, and to fill vacancies arising from any other cause than removal, but no such inspectors of mines or deputy inspectors appointed by or serving under any appointment of any board of supervisors shall hold office beyond the first day of January succeeding the election of the first inspectors of mines to be elected as provided by this act. Such inspectors of mines and deputy inspectors heretofore appointed or to be appointed by any board of supervisors, shall perform all of the duties of inspector of mines and deputy inspectors of mines until the election and qualification of the first inspectors of mines to be elected as herein provided.

History: 1911, Act 163, Eff. Aug. 1, 1911 ;-- CL 1915, 5503 ;-- CL 1929, 8523 ;-- CL 1948, 425.102

425.103 Inspectors; terms of office, commencement.

Sec. 3.

The regular terms of office of the inspectors of mines to be so elected shall commence on the first day of January succeeding their election.

History: 1911, Act 163, Eff. Aug. 1, 1911 ;-- CL 1915, 5504 ;-- CL 1929, 8524 ;-- CL 1948, 425.103

425.104 Repealed. 1967, Act 33, Eff. Nov. 2, 1967.

Compiler's Notes: The repealed section pertained to vacancies in office of inspector of mines.

425.105 Inspectors; bonds.

Sec. 5.

The inspector of mines when so elected shall give bonds in the sum of 5,000 dollars, with good and sufficient sureties to be approved by the circuit judge or judge of probate of the county in which such inspector shall be elected for the faithful performance of his duties, which said bond shall be payable to the people of this state and shall be filed with the clerk of the county where he is so elected.

History: 1911, Act 163, Eff. Aug. 1, 1911 ;-- CL 1915, 5506 ;-- CL 1929, 8526 ;-- CL 1948, 425.105

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425.106 Deputies; appointment, duties.

Sec. 6.

The inspector of mines when so elected may appoint 1 or more deputy inspectors, not exceeding 3, as in his judgment may be necessary for the purpose of discharging the duties hereinafter prescribed, and may revoke such appointments at his pleasure. Any and all such deputy inspectors in any county shall be under the supervision of the inspector of mines, and their duties shall be prescribed by him.

History: 1911, Act 163, Eff. Aug. 1, 1911 ;-- CL 1915, 5507 ;-- CL 1929, 8527 ;-- CL 1948, 425.106

425.107 Inspectors and deputies; compensation, limit.

Sec. 7.

The board of supervisors in each county where an inspector of mines is so elected or appointed shall fix the compensation of such inspector and his deputy or deputies, and provide for the payment of the same: Provided, That the compensation of the inspector of mines shall not be less than $15.00 per day, and that of the deputy inspectors shall not be less than $10.00 per day for each day actually employed in the performance of their official duties: Provided further, That the compensation of inspectors and deputy inspectors shall not be paid more than 5 days in any week.

History: 1911, Act 163, Eff. Aug. 1, 1911 ;-- CL 1915, 5508 ;-- CL 1929, 8528 ;-- CL 1948, 425.107 ;-- Am. 1952, Act 279, Imd. Eff. June 21, 1952

425.108 Inspector of mines; duties; idle or abandoned mine; notice; erection of fences or railings; verification of return and statement; audit and payment of expenses; certification, assessment, collection, and disposition of expense amount.

Sec. 8.

The duties of the mine inspector shall be to visit all the mines of his or her county once in every 60 days, and more often if in his or her judgment necessary, and closely inspect the mines so visited, and condemn all such places where he or she shall find that the employees are in danger from any cause, whether resulting from careless mining or defective machinery or appliances or improper or unsafe methods of any nature. The mine inspector shall compel the erection of a partition between all shafts where hoisting of ore is performed and where there are ladder ways, where persons must ascend and descend going to and from their work. If the mine inspector shall find that a place is dangerous from any cause as aforesaid, the mine inspector shall immediately order the persons engaged in work at that place to quit work, and shall notify the superintendent, agent, or person in charge to secure the place from the existing danger, which notification or order shall be in writing and shall clearly define the limits of the dangerous place and specify the work to be done or change to be made to render the same secure, ordinary mine risks excepted. The mine inspector shall also command the person, persons, or corporation working any mine, or the agent, superintendent, foreman, or other person having immediate charge of the working of any mine, to furnish all shafts and open pits of the mine with some secure safeguard at the top of the shaft or open pit so as to guard against accident by persons falling therein or by material falling down the mine, also a covering on all the carriages on which persons ascend or descend up and down the shaft, if in the inspector's judgment it shall be practicable and necessary for the purpose of safety. If a mine is idle or abandoned, the mine inspector shall notify the person, persons, or corporation owning the land on which the mine is situated, or the agent of such owner or owners, to erect and maintain around all the shafts and open pits of the mine a fence or railing suitable to prevent persons or domestic animals from accidentally falling into the shafts or open pits. This notice shall be in writing and shall be served upon the owner, owners, or agent, personally or by leaving a copy at the residence of the owner or agent, if they or any of them reside in the county where the mine is situated, and if the owner, owners, or agents are none of them residents of the county the notice may be given by publication in 1 or more newspapers printed and circulated in the county if there be one, and by registered letter, and if a newspaper is not published in the county then in a newspaper published in some adjoining county for a period of 3 consecutive weeks. If the owner, owners, or agent shall not, within 30 days after receiving such notice or within 30 days after the completion of publication, erect suitable fences or railings as provided in this section, the mine inspector shall cause such suitable fences or railings to be erected and make a return of his or her doings in the case, with the description of the land or lands on which the shafts and open pits are located, together with an itemized statement of the actual expenses incurred in the case on each description of land, to the county clerk of the county, which return and statement shall be verified by the affidavit of the mine inspector. All expenses incurred under this section shall be audited by the county board of commissioners of the county, and all sums allowed by the board for such expenses shall be paid from the general fund of the county. The county clerk shall certify to the county board of commissioners at its annual meeting in each year the amount of expense incurred under this section during the preceding year and the amount belonging to each and every description of land on which any such mines are situated, and that amount shall be certified to the supervisors of the proper townships in the same manner as county taxes are certified to those supervisors, and the amount of the expense incurred as above on each description shall be assessed by the supervisors upon the description upon their assessment rolls for that year in a separate column, and shall be collected in the same manner as county taxes, and when so collected paid into the general fund of the county.

History: 1911, Act 163, Eff. Aug. 1, 1911 ;-- CL 1915, 5509 ;-- CL 1929, 8529 ;-- CL 1948, 425.108 ;-- Am. 1984, Act 116, Imd. Eff. May 29, 1984

425.108a Inspection; certificate of safety; unlawful entry of mine, penalty.

Sec. 8a.

It shall be the duty of the mine inspector to inspect any mine before the mine is re-opened and to issue a certificate of safety before any employee or person is permitted to enter the mine. The owner of any mine, who

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shall direct or permit any person to enter a mine in violation of the provisions of this section, shall be punished by a fine of not less than $100.00 nor more than $500.00 for each and every offense.

History: Add. 1952, Act 279, Imd. Eff. June 21, 1952

425.109 Accidents; liability.

Sec. 9.

If any man or men are allowed to continue work in any place condemned by the mine inspector, except to do the work required to be done to insure safety before said place has received the necessary changes to secure the safety, ordinary risks of mining excepted, of the laborers engaged therein, the person, persons or corporation operating said mine shall be liable for all accidents causing injuries or death to employes working in or about such place, until the order referred to in the preceding section shall have been complied with or revoked.

History: 1911, Act 163, Eff. Aug. 1, 1911 ;-- CL 1915, 5510 ;-- CL 1929, 8530 ;-- CL 1948, 425.109

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425.110 Cooperation from mine officials; penalty for refusal.

Sec. 10.

It shall be the duty of the person, persons or corporation, or the superintendents or agents of the same, when the mine inspector arrives at any mine on his official business, to furnish for his inspection all maps, drawings and plans of the mine, together with plans of all contemplated changes in the manner of working the mine or any part thereof; to furnish him with such suitable person or persons as he may desire to accompany him through the mine or any part thereof; and also to furnish him with suitable ladders and other necessary appliances to make a proper inspection; and should they or any of them neglect or refuse to comply with any of the provisions of this section, such refusal or neglect shall be punished by a fine of not less than 100 nor more than 500 dollars for each and every offense.

History: 1911, Act 163, Eff. Aug. 1, 1911 ;-- CL 1915, 5511 ;-- CL 1929, 8531 ;-- CL 1948, 425.110

425.111 Inspectors and assistants; salaries and mileage.

Sec. 11.

The salaries for the mine inspector, and the assistants so elected shall be paid out of the treasury of the county in which they serve on vouchers similar to those used by other county officials, and in addition thereto they shall be entitled to mileage at such rate as shall be determined by the board of supervisors for the actual distance traveled while on official business.

History: 1911, Act 163, Eff. Aug. 1, 1911 ;-- Am. 1913, Act 158, Eff. Aug. 14, 1913 ;-- CL 1915, 5512 ;-- CL 1929, 8532 ;-- CL 1948, 425.111 ;-- Am. 1952, Act 279, Imd. Eff. June 21, 1952

425.112 Notice to inspect; privilege, penalty for divulging name of informant.

Sec. 12.

When any person working in any mine or place where mining is done shall notify the mine inspector or deputy inspector either verbally or in writing that the services of the mine inspector are needed, he shall immediately make inspection, or send any one of his assistants to do so. Such notice shall be forever privileged in any court either civil or criminal. Any inspector or deputy inspector who shall divulge the name of any person or persons giving any such notice shall be punished by a fine of not less than 100 nor more than 500 dollars.

History: 1911, Act 163, Eff. Aug. 1, 1911 ;-- CL 1915, 5513 ;-- CL 1929, 8533 ;-- CL 1948, 425.112

425.113 Annual report; time, contents.

Sec. 13.

It shall be the duty of each of the inspectors of mines appointed or elected under this act to make and file with the clerk of the county for which he was appointed or elected, at least 10 days before the time fixed by law for the annual autumn meeting of the board of supervisors, an annual report with a duplicate copy to the commissioner of labor of his acts and proceedings under this act, specifying among other things the number of mine accidents occurring during the preceding year causing either death or injury to persons, giving the name of the mine where and the circumstances surrounding said accidents, and so classifying said accidents to show what occurred through the fault or negligence of employers and those occurring through the fault or negligence of employes, and giving the results of inquests if any have been held in case of accidents causing death.

History: 1911, Act 163, Eff. Aug. 1, 1911 ;-- CL 1915, 5514 ;-- CL 1929, 8534 ;-- CL 1948, 425.113
Compiler's Notes: The office of commissioner of labor, referred to in this section, was abolished and the powers and duties thereof transferred to the department of labor by MCL 16.477.

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