

Code: § 845.
Where personal property tax has not been collected for four years, board of supervisors to remit penalties and interest.

Publication clause.

on the tax-books, as required in section 845, chapter 1, title VI. of the code, or has for four years or more neglected to collect said tax by distress and sale of personal property or real estate, upon which said tax is a lien, it shall be the duty of the board of supervisors of the county to remit all of the penalties and interest that may have accrued on such delinquent taxes, on the payment by the person liable for the same of the original amount of such tax.

SEC. 2. This act being deemed of immediate importance shall take effect from and after its publication in *The Daily State Leader* and *The Daily State Register*, newspapers published at Des Moines.

Approved March 18th, 1874.

I hereby certify that the foregoing act was published at Des Moines in *The Iowa Daily State Leader* and *The Iowa Daily State Register* April 4, 1874.

JOSIAH T. YOUNG, Secretary of State.

CHAPTER 30.

COSTS IN PRELIMINARY EXAMINATIONS.

S. F. 21.

AN ACT to Amend Section 4254, Chapter 12, of Title Twenty-five of the Code of 1873, relating to Preliminary Examinations.

Appeal from judgment taxing costs against prosecuting witness.
Code: §§ 4254, 4689, and 4691.
Costs shall be taxed against state, when.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 4254, chapter 12, title twenty-five of the code of 1873, be amended by striking out of line seven (7) of said section the words "Eighty-nine" and inserting in lieu thereof the words "Ninety-one," and by adding, "Otherwise the costs shall be taxed against the State," to said section.

Approved March 18th, 1874.

CHAPTER 31.

INSPECTION OF COAL-MINES.

H. F. 273.

AN ACT to Provide for the Inspection of Coal-Mines. [Substitute for for Chapter 8, Title XI., Code.]

Board of supervisors may appoint inspector, who must be practically acquainted with mining.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the board of supervisors of each county, in which coal or other minerals are mined, may, at their first regular session in each year, appoint an inspector of mines, who must be practically acquainted with mining and competent to fulfill the duties of his office, who shall, before entering upon the duties of his office, take an oath for the faithful and impartial discharge thereof, and whose duty it shall be to inspect twice during each year all mines and collieries in his county, in which more than

ten miners are employed, and apply scientific tests to ascertain the condition of the atmosphere in such mines, as affecting the life and health of miners and employees; and when he shall be satisfied of the prevalence of choke-damp, (carbonic acid gas,) or fire-damps, (light carbureted hydrogen gas,) in sufficient quantities to jeopardize the life or health of such employees or miners, he shall determine the number and capacity of additional entrances or shafts, or other means necessary for the proper ventilation of such mines, and to afford egress from and ingress to such mines in case of explosion or the falling-in of the entrance or shaft to such mines. It shall farther be the duty of the inspector to examine and test all machinery used in and about the mines for the purpose of assisting in mining operations, and ascertain if the same is kept in good repair and is sufficient to secure the safety of those operating such machinery.

Duty:
To examine
collieries
twice a year,
&c.;

To test
machinery.

SEC. 2. It shall be lawful for the inspector appointed under the provisions of this act to enter and inspect any and all mines in his district at such times as he may see fit, and to examine all machinery used in the operation of such mines, but not so as to unnecessarily hinder or obstruct the working of such mines or machinery; and if the owner, operator, or agent of any such mine shall refuse to permit said inspector to enter and inspect such mine as may be under his control, or to examine and test any machinery connected with such mine, the inspector shall file his affidavit, setting forth such refusal, with the judge of the circuit or district court of the circuit or district in which said mine is situated, in either term-time or vacation, and obtain an order on such owner, operator, or agent, commanding him to permit said inspector to perform the duties of his office, or be adjudged guilty of contempt of court and punished accordingly.

May inspect
at any time.

Mode of procedure when
owner refuses
to allow
inspection.

SEC. 3. If the inspector shall find, on examination of any mine and machinery pertaining thereto, that the same is operated and worked contrary to the provisions and requirements of this act, and that the same are unsafe and dangerous to the miners and workmen employed therein, he shall at once notify, in writing, the operator, owner, or agent of such mine, stating the facts, and the necessary improvements that should be made to remove such danger; and if the owner, operator, or agent of such mine, after being notified as above provided, shall, for thirty days thereafter, neglect or refuse to provide suitable means to render such mine and machinery safe, then it shall be the duty of the inspector to proceed against such owner, operator, or agent, by injunction without bond, after giving at least three days' notice to such owner, operator, or agent, and the said owner, operator, or agent shall have the right to appear before the judge to whom the application is made, who shall hear the same and affidavits in support thereof or in opposition thereto, and if sufficient cause appear he may prohibit the further working of such mine, and machinery pertaining thereto, in which persons are unsafely employed, until the same shall have been made safe and the provisions of this act complied with; and the court shall award such costs in the matter of injunction as he may deem just.

Inspector to
notify opera-
tor of unsafe
mine or
machinery,

And to proceed by
injunction,
when.

Judge to prohibit working
of unsafe mine
or machinery;
costs.

SEC. 4. The owner, operator, or agent of every coal mine or colliery, opened and operated by shaft or slope, shall provide suitable means for signaling between the bottom and top of such shaft or slope, and shall also provide safe means of hoisting and lowering persons employed at the mines, with sufficient cover overhead, on every box or carriage used for hoisting purposes, for the protection of persons so hoisted and lowered; and the top of each shaft or slope shall be securely guarded, and the entrance of every abandoned slope or air or other shaft shall be securely fenced off.

Precautions to be observed by operators of mines.

SEC. 5. No young person under ten years of age, or female of any age, shall be permitted to enter any mine to work therein; proof of age to be made by certificate or otherwise. The owner, operator, or agent of any mine violating the provisions of this section shall be subject to a fine of not less than ten nor more than twenty-five dollars, to be recovered for the use of the school-fund.

Who may not work in mine.

Fine.

Duty of person having charge of mine in case of explosion.

Duty of inspector.

Fine for failure to give notice.

SEC. 6. Whenever an explosion or other accident shall occur at any mine, whereby loss of life or serious bodily injury is sustained, it shall be the duty of the person having charge of such mine to at once give notice to the inspector in and for the county in which the mine is situated; and, if any person is killed by such explosion or other accident, to the coroner of the county also; and the inspector, on being so notified, shall proceed to the scene of such explosion or other accident, and use such means as he may deem necessary for the safety of the men employed in such mine. He shall further investigate and ascertain, if possible, the cause of such explosion or other accident, and preserve a record thereof among the papers of his office. And in case the person in charge of any mine shall fail to give notice, as required by this section, he shall be fined not less than twenty-five dollars nor more than one hundred dollars, to be sued for in the name of the state, for the use of the school-fund, before any court having jurisdiction.

Bore-holes.

SEC. 7. The owner, operator, or agent of any coal mine shall provide that bore-holes shall be kept six feet in advance of the face of each and every working place, when driving toward an abandoned mine, or part of a mine, suspected to contain inflammable gases, or to be inundated with water.

Underground manager.

SEC. 8. The underground manager of every mine must be a practical miner, or one acquainted with the working and management of mines.

Liability for damages for persons killed or injured.

SEC. 9. For any injury to persons or property occasioned by any neglect or violation of any of the provisions of this act, a right of action shall accrue to the party injured for any direct damages sustained thereby; and in case life is lost, by reason of such neglect or violation as aforesaid, the widow of the person so killed, or his lineal heirs or adopted children, or any other person or persons who were before such death dependent upon him for support, shall have a right of action for like damages for the loss of life or lives. Any miner, workman, or other person, who shall knowingly injure or destroy any water-gauge, barometer,

air-course, or brattice, or shall obstruct or throw open any air-ways, or carry any lighted lamps or matches into places that are worked by the light of safety-lamps, or shall disturb any part of the hoisting machinery, or open a door in the mine and neglect or refuse to have it closed again, whereby danger is produced either to the mines or to those engaged therein; or who shall enter into any mine against caution; or who shall disobey any order given in pursuance of this act; or who shall do any willful act whereby the lives and health of persons working in the mine, or the security of such mine, or the machinery thereof, is endangered, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, or both, at the discretion of the court.

Penalty for
sundry
dangerous
acts.

SEC. 10. The inspector provided for by this act shall receive three dollars per day for the time necessarily employed in the discharge of his duties, to be paid out of the county treasury; but in case[s] where, on inspection, the provisions and requirements of this act are found not to have been complied with in operating a mine, then the expense of inspecting said mine shall be paid by the owner, operator, or agent of such mine, to be recovered if necessary by suit before any court having jurisdiction.

Pay of
inspector, and
by whom
paid.

SEC. 11. In all cases where the inspection is called for by a written request of five miners working in any mine, or by the owners thereof, it shall be his duty to proceed at once to inspect the same when the parties so applying have deposited a sufficient sum in the hands of the county clerk to defray the expense of inspecting such mine. Where the mine proves defective, it shall be at the expense of the owners of the mine; and where the inspecting shows there was no necessity for the examination, it shall be at the expense of the parties demanding the inspection.

Code: title xi.,
ch. 8, repealed.

SEC. 12. Chapter 8, title XI. of the code, and all acts or parts of acts inconsistent with this act are hereby repealed.

Approved March 18th, 1874.

CHAPTER 32.

JURORS' FEES TO BE TAXED AS COSTS.

AN ACT to Amend Section 3812, Chapter 3, Title XXIII. of the Code in Relation to Jury Fees. H. F. 245.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 3812, chapter 3, title 23 of the code be amended to read as follows: Code: § 3812 amended.

"For every case tried in a court of record by jury, the per diem of such jury, while engaged in the trial thereof, shall be taxed as part of the costs, and shall be collected the same as other costs and paid into the county treasury by the clerk, who shall report the same to the board of supervisors at each regular session thereof, who shall

Per diem of
jurors to be
taxed as costs,
and paid into
county
treasury.