

same under the constitution and by-laws, rules and regulations of such order, or of such society, order or organization, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for a term not to exceed ninety (90) days in the federal jail, or a fine not to exceed two hundred (\$200.00) dollars or by both such fine and imprisonment.

Approved, April 30, 1913.

CHAPTER 72.

(S. B. No. 52.)

AN ACT to divide the Territory into mine inspection districts; to establish the office of mine inspector; to prescribe the duties, powers, qualifications and compensation thereof; to regulate the operation of mines in the Territory of Alaska; to provide for the health, and safety of mine workers in the Territory; to declare the violation of any of the provisions hereof a misdemeanor and prescribing punishment therefor.

Be it enacted by the Legislature of the Territory of Alaska:

Territorial
Mine Inspec-
tor, Governor
to appoint

Section 1. As soon as practicable after the passage of this act, and not later than the first day of April, 1914, the Governor of the Territory of Alaska shall appoint one qualified person to be inspector of mines; such inspector shall be known as the Territorial Mine Inspector and he shall be under the supervision and subject to the instructions of the federal mine inspectors now appointed as provided by law.

Qualifications

No person shall be appointed a mine inspector who shall not be a citizen of the United States, and who has not been a resident of the Territory of Alaska for at least

three years. Every person appointed to the office of mine inspector must be theoretically and practically acquainted with mines and mining in all its branches, and he shall hold his office for the period of two years unless sooner removed by the Governor. No person shall hold the position of inspector of mines while an employee or officer of any company or corporation. Each inspector of mines shall devote his entire time and attention to the duties of his office, and the salary of each inspector shall be two thousand five hundred dollars per annum, and he shall be allowed his actual and necessary traveling expenses while in the performance of his duties under the provisions of this act and such salary and expenses shall be paid monthly.

Sec. 2. It is the duty of the Territorial Mine Inspector to visit the mining sections assigned to him by the federal mine inspector or the Governor of the Territory, and examine as many mines therein as practicable, inspect their workings, timbering, ventilation, means of ingress and egress, and the means adopted and in use for the preservation of the lives and safety of the miners employed therein. For this purpose the inspector at all times shall have access to any mine and all parts thereof. All mine owners, lessees, lessors, agents, operators, managers or superintendents must render such assistance as may be necessary to enable the inspector to make the examination. When upon such examination any mine or portion thereof is found to be in an unsafe or insecure condition, the inspector shall at once serve a notice in writing upon the owner, lessees, lessors, agent, operator, manager or superintendent thereof, setting forth the nature of the defects which render such mine unsafe or insecure and the point or place in such mine where such defect exists, and requiring the repairs necessary to remedy such defects to be made within a specified time, and, if in his judgment the circumstances so require, he shall forbid the operation of such mine or portion thereof as

Duties and powers

has been declared unsafe or insecure, save and except for the purpose of making the repairs necessary for the purpose of remedying such defects and making such mine safe and secure for the laborers employed therein.

Action upon
complaints

Sec. 3. Whenever the inspector of mines receives a complaint in writing signed by three or more parties setting forth that any mine is dangerous in any respect, the inspector must, as soon as possible, visit and examine such mine. Every such complaint must set forth the nature of the danger existing at the mine and (when) the time and cause of such danger was first discovered.

Notice to be
given owner,
etc.

Sec. 4. If upon such examination the inspector of mines ascertains that the mine is from any cause in a dangerous condition, he must at once notify the owner, lessor, lessee, agent, manager, operator or superintendent. Such notice must state fully and in detail in what particular manner such mine is dangerous or insecure, and require all necessary changes to be made without delay, for the purpose of making such mine safe and secure for the laborers employed therein; and in any criminal or civil proceeding at law against the party or parties so notified, on account of loss of life or bodily injury sustained by the employee subsequent to the service of such notice and in consequence of a neglect to obey the inspector's requirements, a certified copy of the notice served by the inspector is prima facie evidence of the gross negligence of the party or parties so complained of.

Disobedience of
Inspector's
orders

If the owner, lessee, lessor, agent, operator, manager or superintendent of any such mine shall neglect or refuse to cause the repairs necessary to remedy such defect to be made within a reasonable time, or shall refuse to cause work to be stopped when so ordered, such party or parties shall be prosecuted criminally by the inspector.

Owners must
notify In-
spector of ac-
cidents

Sec. 5. Whenever a serious or fatal accident occurs in any mine it is the duty of the person in charge thereof to immediately notify the inspector of the mining inspection district wherein such mine is located, in the quick-

est manner possible, and upon receiving such notice the inspector of mines must, if possible, at once repair to the place of accident, and investigate fully the cause of such accident, and whenever possible to do so, the inspector shall be present at the coroner's inquest held over the remains of the person or persons killed by such accident and testify as to the cause thereof, and state whether in his opinion, the accident was due to the negligence or mismanagement of the owner or person in charge. If the inspector cannot be immediately present in case of a fatal or serious accident occurring, it is the duty of the owner or person in charge of the mine to have written statements made by those witnessing the same and sworn to. In case no person was present at the time of the accident, then the verified statement of those first present after the accident must be taken and such statement must be forwarded to the inspector. If, after making such investigation the inspector deems the facts warrant it, he may prosecute criminally the owner, lessee, lessor, agent, operator, manager or superintendent of the mine in which such accident occurred.

Investigation

Prosecution,
when

Sec. 6. Each inspector of mines must make a monthly report to the Governor, and the report must give a statement of all mines visited by him; a statement of all the accidents that have occurred in his inspection district; which have occasioned serious injury or resulted fatally, together with the nature and cause of such accidents. Such report shall also contain such additional information as the Governor may require, and must set forth the result of the inspector's labors.

Report of In-
spector

Sec. 7. The provisions in this act do not apply to mines in which less than six people are employed.

When provisions not appli-
cable

Sec. 8. Any person or corporation failing to comply with any of the provisions of this act is punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars or by imprisonment in the federal

Penalty

jail not less than ten days nor more than six months, or by both such fine and imprisonment.

Approved, April 30, 1913.

CHAPTER 73.

(S. B. No. 69.)

AN ACT to amend Chapter 19, of the Compiled Laws of Alaska relating to Escheats.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That sections 608, 609, 610, 611, 612, 613, 614 and 615, of Chapter 19, of the compiled laws of Alaska be amended to read as follows:

When property
escheats to the
Territory

Sec. 608. When any person shall die without heirs, having any real or personal property in the Territory, the same shall escheat to and become the property of the Territory of Alaska.

Procedure on
behalf of
Territory

Sec. 609. The Territory of Alaska may maintain any action or proceeding necessary to recover the possession of any such property, or for the enforcement and protection of its rights thereto or on account thereof, in like manner and with like effect as any natural person. Such action or proceeding shall be prosecuted by the Territory of Alaska, by and through the United States Attorney.

Governor must
take steps to
recover

Sec. 610. When the Governor is informed or has reason to believe that any real or personal property has escheated to the Territory of Alaska, he shall direct the United States Attorney to file an information on behalf and in the name of the Territory of Alaska in the district court, setting forth a description of the estate, the name of the person last seized, the name of the occupant or the