

COAL MINES AND WELLS.

CHAPTER 43.

[H. B. 136.]

FILLING OF COAL MINES AND WELLS.

AN ACT Requiring the Owners or Occupants of Lands Within the State to Fill or Cover Securely, or Otherwise Securely Protect Any and All Coal Mines and Wells Situated Thereon.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. MINES AND WELLS NOT IN COMMON USE.] Any individual, firm or corporation owning or occupying lands within this state, shall, within ninety days after this act takes effect, fill with earth or stone, or cover securely with plank of the thickness of two inches, any and all coal mines and wells, situated on such lands, which have become dry, or are not in common use, or which are not otherwise securely protected.

§ 2. DUTIES OF OVERSEERS.] It shall be the duty of the overseer of highways to cause to be filled or covered, as provided in section 1, any and all wells situated on any United States lands, state lands or common school lands within his district and for so doing such overseer shall receive such compensation, payable out of the road and bridge fund of the township, as the township board of supervisors, on presentation of his account therefor, verified by oath, shall deem reasonable.

§ 3. SERVE WRITTEN NOTICE.] It shall be the duty of the overseer of highways, in case any individual, firm or corporation owning or occupying lands within his district, shall neglect or refuse to comply with the provisions of this act, to serve a written notice on such owner or occupant, and if such owner or occupant shall neglect or refuse to comply with the provisions of this act the overseer of highways shall, within thirty days after having given such notice, cause such wells to be filled or covered as provided in sections 1 and 2 of this act, and the owner of such land shall be liable to the township for the cost of such work and material furnished, and the necessary expense incurred in collecting the same to the township, and the township board of supervisors shall take proper proceedings to obtain judgment against the owner or occupant of the subdivision on which such wells are located for the amount expended in filling or covering such wells and all costs which may have accrued in obtaining judgment therefor.

Approved March 9, 1899.