

ing of sugar beet crops, shall be entitled to a lien upon the crop so raised for the full amount to become due under and in accordance with the terms and conditions of said contract.

§ 2. PROCEDURE TO OBTAIN LIEN.] Any person, association, co-partnership or corporation, entitled to a lien under this act shall, within sixty days from the date of entering into such contract file in the office of the register of deeds of the county in which such crop is to be grown a verified copy of such contract containing, among other things, the name and postoffice address of all parties to the contract and a description of the land upon which such crop is to be grown. Unless such contract shall be filed within the time aforesaid such person, association, co-partnership or corporation shall be deemed to have waived the right to such lien.

§ 3. PRIORITY.] The lien given by this act shall, as to the crops covered thereby, have priority over all other liens and encumbrances thereon.

§ 4. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

§ 5. Whereas an emergency exists in that the Government Agencies hold that the present law affords no protection for loans therefore this act is hereby declared to be an emergency measure and shall be in force and effect from and after its passage and approval.

Approved March 13, 1935.

MINING

CHAPTER 166

S. B. No. 122—(McDonald and Cain)

STATE COAL MINE INSPECTOR

An Act to amend and re-enact Sections 3084a2, 3084a3, 3084a7 and 3084a9, Supplement to the Compiled Laws of 1913, providing for the appointment of the State Coal Mine Inspector by the Workmen's Compensation Bureau, defining eligibility to that office, providing for assistance and instruments to be furnished to the inspector and for payment therefor and providing for the filling of temporary vacancies in the office, and declaring an emergency.

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

§ 1. Section 3084a2 Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 3084a2. OFFICE OF STATE COAL MINE INSPECTOR CREATED.] The Workmen's Compensation Bureau shall appoint one State Coal

Mine Inspector, qualified as hereinafter provided, who shall hold office at the will of such bureau.

§ 2. Section 3084a3 Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 3084a3. ELIGIBILITY TO OFFICE.] No person shall be eligible to the office of State Coal Mine Inspector unless he shall possess the following qualifications. He shall be a citizen of the United States and a resident of North Dakota for five years and shall have been actually employed at underground coal mining for a period of eight years prior to his appointment, shall have the qualifications of a mine foreman or pit boss, and shall possess a competent knowledge of all the different systems of coal mining and working and properly ventilating coal mines and the nature and constituent parts of noxious and explosive gases of coal mines and the various ways of expelling the same from the said mines.

§ 3. Section 3084a7 Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 3084a7. ASSISTANCE AND INSTRUMENTS TO BE FURNISHED TO INSPECTOR. EXPENSE.] For the more efficient discharge of the duties herein imposed upon him, the State Coal Mine Inspector, shall have the authority, with the approval of the Workmen's Compensation Bureau, to hire any and all necessary technical assistants and advisors to determine the condition, fitness and suitability of boilers and any and all other machinery or equipment of coal mines in the state which may affect the safety of the miners therein, such assistants and advisors to be paid from the coal mining safety fund.

State coal mine inspectors shall also be furnished, at the expense of the state, with an anemometer and whatever other instruments or appliances may be necessary in order to carry into effect the provisions of the acts regulating coal mines.

§ 4. Section 3084a9 Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 3084a9. TEMPORARY VACANCY IN OFFICE. HOW FILLED.] In case the State Coal Mine Inspector becomes incapacitated and cannot perform the duties of his office for a longer period than two weeks, it shall be the duty of the Workmen's Compensation Bureau to deputize some competent person having the qualifications provided in this act to fulfill the duties of the said inspector until the said inspector shall return to the performance of his official duties, and the person so deputized shall be paid by the state out of any moneys in the general fund of the state not otherwise appropriated, for the services rendered at the same rate as received by the State Coal Mine Inspector.

In case of the death, resignation, or removal from office of the State Coal Mine Inspector before the expiration of the term of office,

the Workmen's Compensation Bureau shall appoint a duly qualified person as provided in this act, to fill the vacancy for the unexpired term.

§ 5. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 21, 1935.

CHAPTER 167

S. B. No. 123—(McDonald and Cain)

COAL MINE LICENSE, SAFETY FUND, STATISTICS, ETC.

An Act providing for the procuring of coal mine licenses from the State Coal Mine Inspector, the establishment of the State Coal Mining Safety Fund from such fees and for the disbursement thereof, providing for the keeping and furnishing by coal mine operators of such records and statistics and reporting thereof to the State Coal Mine Inspector and Commissioner of Agriculture and Labor, giving the State Coal Mine Inspector power to revoke licenses and enjoin the operation of unlicensed mines, providing for an appeal to the District Court from such Order of Revocation, providing a penalty for failure to comply with the law, repealing Sections 3081, 3082, 3083 and 3084 of the Compiled Laws of the State of North Dakota for the year 1913 and all acts or parts of acts in conflict herewith and declaring an emergency.

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

§ 1. COAL MINE LICENSE, HOW PROCURED.] The operator of each and every coal mine operated in the state of North Dakota, and selling, bartering or exchanging coal with any other person, shall annually, on or before the 10th day of July, after the passage and approval of this act, procure a license from the State Coal Mine Inspector for which he shall pay a fee of \$5.00 for any mine producing less than 100 tons, and \$10.00 for any mine producing more than 100 tons, and less than two thousand (2,000) tons annually and \$20.00 for any mine producing two thousand (2,000) tons or more annually. The license period shall be from July 1st of one year to June 30th of the next, both dates inclusive. Provided, however, that no coal mine operator who is or will be an employer under the terms of the Workmen's Compensation Act, shall receive such license unless and until he shall have applied for Workmen's Compensation Insurance and such insurance is in effect.

§ 2. COAL MINE SAFETY FUND. SOURCE AND DISBURSEMENT.] The fees for coal mine licenses as required in Section 1 hereof shall be paid monthly by the State Coal Mine Inspector to the Treasurer of the State of North Dakota by whom they shall be deposited in a fund to be known as the Coal Mining Safety Fund. The mileage and

traveling expenses for safety work of the State Coal Mine Inspector and the expense of all assistance procured by him for the enforcement of this provision and of the coal mining code safety work shall be paid out of the said fund in the manner in which other funds of the state of North Dakota are disbursed upon vouchers approved by the State Coal Mine Inspector, providing that not more than three thousand dollars (\$3,000.00) in any one fiscal year may be expended out of the said fund for the said purposes. Any funds remaining in said Coal Mine Safety Fund over and above the three thousand dollars (\$3,000.00) which may be expended yearly under the provisions of this law shall on June 30 of each year immediately be transferred to the general fund.

§ 3. STATISTICS TO BE FURNISHED.] There shall be kept in a book, to be provided for that purpose at each mine operated as provided in Section 1, the following information: Name of the mine; its location; when it began business; by whom owned; by whom operated; number of tons of coal mined; number of men employed; wages paid by the day, week, month and year; the total cost of operating the mine; the total amount of coal sold and the price received therefor.

§ 4. REPORT TO STATE COAL MINE INSPECTOR AND COMMISSIONER OF AGRICULTURE AND LABOR.] It shall be the duty of all persons operating a mine within this state, as provided in Sections 1 and 3, to make a verified report to the State Coal Mine Inspector and a duplicate report to the Commissioner of Agriculture and Labor containing all the information to be kept by said mine operator, as provided in Section 3.

§ 5. POWER TO REVOKE LICENSE.] That [The] State Coal Mine Inspector shall have the right to revoke the license of any operator of a coal mine in this state for failure to comply with the reasonable requirements of the inspector relative to the coal mine of such operator or for being in default in premiums of Workmen's Compensation Insurance.

The said inspector may also enjoin, by proper legal proceedings, the operation of any coal mine without license.

§ 6. APPEAL FROM ORDER OF STATE COAL MINE INSPECTOR. REVOKING LICENSES.] Any operator of a coal mine whose license has been revoked by the State Coal Mine Inspector, under the provisions of this chapter, may appeal to the district court of any county in this state in which the mine for which the license has been revoked or any portion thereof is located, from the order revoking such license by serving notice of appeal and specifications of error upon the Coal Mine Inspector and filing such notice and specifications in the said district court within 10 days after the service upon the operator of the order of revocation, and upon perfecting such appeal by filing in such court a bond in a sum to be fixed by the judge thereof

the security thereof to be approved by the clerk of such court, for the payment of all costs on appeal, but no mine shall be operated during the pendency of such an appeal, unless otherwise ordered by said district court after notice given to said inspector.

§ 7. PENALTY FOR FAILURE TO COMPLY WITH LAW.] Every mine owner and operator who shall operate any coal mine without having a license as herein provided in full force and effect, or who shall wilfully fail, neglect or refuse to comply with the provisions of this article, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to a fine of one hundred dollars (\$100.00), or imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment, as the court may determine.

§ 8. REPEAL.] Sections 3081, 3082, 3083 and 3084 of the Compiled Laws of the State of North Dakota for the year 1913 and all other acts or parts of acts in conflict herewith are hereby repealed.

§ 9. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 12. 1935

MORTGAGES

CHAPTER 168

S. B. No. 233—(Kolpin, Lemke and Green of Stutsman)

RENEWAL AND LIMITATION CHATTEL MORTGAGES

An Act to amend and re-enact Section 6762 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 175, Session Laws of 1927, relating to filing, renewal and limitations of chattel mortgages, and providing for the cancellation and satisfaction of same; and further providing for the repeal of all acts or parts of acts in conflict herewith and making the same an emergency measure.

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

§ 1. AMENDMENT.] Section 6762 Compiled Laws of North Dakota for the year 1913, as amended by Chapter 175, Session Laws of 1927, is hereby amended and re-enacted to read as follows:

Section 6762. RENEWAL AND LIMITATION OF CHATTEL MORTGAGES.] Cancellation and Satisfaction. A mortgage of personal property ceases to be valid as against creditors of the mortgagor and subsequent purchasers and incumbrancers in good faith after the expiration of three years from the filing date thereof; provided, that