

SCHOOL LANDS.

CHAPTER 176.

[S. B. No. 211—Taylor.]

LEASING SCHOOL LANDS FOR COAL MINING.

AN ACT to Provide for the Leasing of Common School and Other Public Lands for Coal Mining Purposes, Providing the Manner and Terms of Such Lease, and Prescribing Penalties for Unlawfully Removing Coal from Such Lands.

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

§ 1. BOARD EMPOWERED TO LEASE.] The board of university and school lands is hereby authorized and empowered to lease, for coal mining purposes, any lands under its control designated as common school lands, and all other public lands of the state owned or held in trust by the state, or granted to any public institution of the state, which contain coal, including therein lignite coal. Any lease so made shall be for such period of time as such board may determine.

§ 2. HOW ADVERTISED.] The manner of advertising and of leasing such lands for coal mining purposes, and approval and execution thereof, shall be the same as provided in sections 220, 221 and 224 of the revised codes of 1899.

§ 3. MINIMUM PRICE.] Such lands shall not be leased for coal mining purposes for a less sum than ten cents per ton of 2240 pounds, for each and every ton of coal mined thereon; provided, that no lease of any such land for such purpose shall be made for less than ten dollars per annum for each and every forty acre tract or fraction thereof, it being expressly provided that at the time of the making and execution of such lease, and annually thereafter, there shall be paid by the lessee an amount equal to ten dollars for every forty-acre tract of land so leased, or any fraction thereof, to the person, and in the manner prescribed herein, or by the rules and regulation of the board of university and school lands; it being further provided that upon such lessee mining any coal or lignite coal thereon during a period of one year from and after the date of such payment, such lessee shall have credit upon the amount due under the terms of such lease on tonnage, for the amount paid at the execution of such lease or at the time of the annual payments thereafter made as hereinbefore provided; the amount received for the lease of any such land for coal mining purposes to be used in the

same manner, and for the same purpose, as is provided for other money received for the lease of common school and other public lands.

§ 4. BOARD AUTHORIZED TO MAKE RULES.] The board of university and school lands is hereby authorized to make such rules and regulations, as shall be by it deemed necessary, for the manner of determining the amount of rent due under any such lease, the manner and time of payment, and for such other conduct of the business of such leasing not in conflict with the provisions of the law now in force.

§ 5. LEASE NOT TO INTERFERE WITH RIGHT TO LEASE FOR PASTURE OR MEADOW.] The leasing of any such land for coal mining purposes shall not interfere with the right and authority of such board to lease the same land for pasture or meadow purposes, and each and every lease so made for coal mining purposes shall contain therein a provision plainly and explicitly reserving to such board the right to so rent such lands for pasture and meadow purposes, without such renting in any manner affecting the conditions or terms of such lease for coal mining purposes, and reserving to the said board the right to use, occupy and lease the surface of all such lands; provided, that any such lessee for coal mining purposes shall have the right to the use and occupancy of so much of the surface of such lands as may be necessary for entry, dumps, buildings, tramways or other railways, roadways or uses in the mining, storing and shipping of coal mined thereon.

§ 6. LEASING RESTRICTED.] No leases shall be made of any such lands having coal or lignite coal thereon for pasture or meadow purposes, except there shall be contained in such lease a provision authorizing the leasing of the same land for coal mining purposes and reserving to the said board the right to use and occupy, or lease for use and occupancy, and authorizing the use and occupancy of so much of the surface of said land as shall be required by any lessee of the same for coal mining purposes, for the uses and purposes set forth in section 5 of this act.

§ 7. BOARD TO MAKE SCHEDULE OF LANDS.] The board of university and school lands shall, as soon as possible, and by the best means at its command, and with the assistance of the state geologist, proceed to ascertain and determine the quantity and description of all common school, or other public lands under its control, on which coal or lignite coal exists, and make and compile a statement and schedule of all such lands.

§ 8. PENALTY FOR VIOLATION.] Any person, firm or corporation who shall mine, remove or cause to be mined or removed, from any common school land, or other public lands of the state, any coal or lignite coal, except the same shall be so mined or removed under and by virtue of the terms of this act, shall be liable to the state of North Dakota in damages in the sum of one dollar for each and every ton of coal or lignite coal so mined or removed, and shall be deemed

guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred and fifty dollars, nor more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days nor more than one year, or by both such fine and imprisonment; each and every day or fraction of a day so occupied in mining or removing such coal or lignite coal from any such land, is hereby declared to be a separate offense against the provisions of this act.

§ 9. EMERGENCY.] There being no adequate provision of the law now in force for the leasing of public lands for coal mining purposes or providing penalties for unlawfully mining or removing coal from public lands, an emergency exists and this law shall be in force and effect from and after its passage and approval.

Approved March 10, 1903.

SCHOOL TOWNSHIPS.

CHAPTER 177.

[H. B. No. 251—Cassell.]

REPEAL OF SPECIAL JOINT SCHOOL TOWNSHIP ACT.

AN ACT to Repeal a Special Act of the Legislative Assembly of the Territory of Dakota of 1885, Approved by the Governor March 13, 1885, Entitled "An Act to Create a Joint School Township in the Counties of Griggs and Steele."

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

§ 1. REPEAL.] That the special act of the legislative assembly of the territory of Dakota of 1885, approved by the governor March 13, 1885, entitled "An Act to create a joint school township in the counties of Griggs and Steele," be, and the same is, hereby repealed.

Approved March 10, 1903.