

Resolved, That in the judgment of this legislative assembly the provisions of this resolution should take effect at once; therefore an emergency is declared to exist and the authority herein conferred shall take effect from and after its passage and approval.

Approved March 4, 1907.

COAL MINES

CHAPTER 50.

[H. B. No. 263—Brodie]

COAL MINE STATISTICS.

AN ACT Providing for the Keeping of Books Containing Statistical Information to be Furnished to the Commissioner of Agriculture and Labor, and for the Making of Reports Regarding Such Statistics, and Prescribing a Penalty for Violation.

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 coal to the general public, shall annually, on or before the tenth day of July, after the passage and approval of this act, procure a license from the commissioner of agriculture and labor, for which he shall pay a fee of five dollars.

§ 2. STATISTICS TO BE FURNISHED.] There shall be kept in a book to be provided for that purpose, at each mine operated and selling coal to the general public, the following information: Name of the mine; its location; when it began business; by whom owner; 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, and such other statistical information as the commissioner of agriculture and labor may prescribe, to be kept by such mine, under the provisions of section 127 of the revised codes of 1905; provided, that when the report of any operator of a coal mine in this state shows that the output of his mine has not been more than five hundred tons of coal for the year, the five dollars paid as license shall be returned to such operator.

§ 3. REPORT TO COMMISSIONER OF AGRICULTURE.] It shall be the duty of all persons operating mines within this state, as provided in sections one and two of this act, to make a verified report to the

commissioner of agriculture and labor, containing all the information to be kept by said mine operator, as provided in section two of this act, together with such further information as the commissioner of agriculture and labor may require under the provisions of section 127 of the revised codes of 1905.

§ 4. PENALTY FOR FAILURE TO COMPLY WITH LAW.] Every mine owner and operator who shall operate any coal mine without first procuring the license herein provided for, or who shall willfully fail, neglect or refuse to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to a fine of one hundred dollars, or imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment, as the court may determine.

Approved March 13, 1907.

CHAPTER 51.

[H. B. No. 33—Oveson]

MAXIMUM COAL RATE.

AN ACT to Amend and Re-enact Chapter 146 of the Laws of 1903, Being Section 4395 of the Revised Codes of North Dakota for 1905, Relating to the Maximum Coal Rate.

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

§ 1. AMENDMENT.] Section 4395 of the revised codes of 1905 is hereby amended to read as follows:

§ 4395. MAXIMUM COAL RATE.] All railroad companies doing business as common carriers within the state of North Dakota shall not charge for the transportation of coal within said state a greater rate per ton than the following:

For the first ten miles or fractional part thereof, thirty cents per ton.

For any distance over ten miles and not to exceed fifteen miles, thirty-five cents per ton.

For any distance over fifteen miles and not to exceed twenty miles, thirty-seven cents per ton.

For any distance over twenty miles and not to exceed twenty-five miles, thirty-eight cents per ton.

For any distance over twenty-five miles and not to exceed thirty miles, forty cents per ton.

For any distance over thirty miles and not to exceed thirty-five miles, forty-one cents per ton.

For any distance over thirty-five miles and not to exceed forty miles, forty-three cents per ton.

For any distance over forty miles and not to exceed forty-five miles, forty-four cents per ton.

For any distance over forty-five miles and not to exceed fifty miles, forty-six cents per ton.

For any distance over fifty miles and not to exceed fifty-five miles, forty-seven cents per ton.

For any distance over fifty-five miles and not to exceed sixty miles, forty-nine cents per ton.

For any distance over sixty miles and not to exceed sixty-five miles, fifty cents per ton.

For any distance over sixty-five miles and not to exceed seventy miles, fifty-two cents per ton.

For any distance over seventy miles and not to exceed seventy-five miles, fifty-three cents per ton.

For any distance over seventy-five miles and not to exceed eighty miles, fifty-five cents per ton.

For any distance over eighty miles and not to exceed eighty-five miles, fifty-six cents per ton.

For any distance over eighty-five miles and not to exceed ninety miles, fifty-eight cents per ton.

For any distance over ninety miles and not to exceed ninety-five miles, fifty-nine cents per ton.

For any distance over ninety-five miles and not to exceed one hundred miles, sixty-one cents per ton.

For any distance over one hundred miles and not to exceed one hundred and five miles, sixty-two cents per ton.

For any distance over one hundred and five miles and not to exceed one hundred and ten miles, sixty-four cents per ton.

For any distance over one hundred and ten miles and not to exceed one hundred and fifteen miles, sixty-five cents per ton.

For any distance over one hundred and fifteen miles and not to exceed one hundred and twenty miles, sixty-seven cents per ton.

For any distance over one hundred and twenty miles and not to exceed one hundred and twenty-five miles, sixty-eight cents per ton.

For any distance over one hundred and twenty-five miles and not to exceed one hundred and thirty miles, sixty-nine cents per ton.

For any distance over one hundred and thirty miles and not to exceed one hundred and thirty-five miles, seventy-one cents per ton.

For any distance over one hundred and thirty-five miles and not to exceed one hundred and forty miles, seventy-two cents per ton.

For any distance over one hundred and forty miles and not to exceed one hundred and forty-five miles, seventy-four cents per ton.

For any distance over one hundred and forty-five miles and not to exceed one hundred and fifty miles, seventy-six cents per ton.

For any distance over one hundred and fifty miles and not to exceed one hundred and fifty-five miles, seventy-eight cents per ton.

For any distance over one hundred and fifty-five miles and not to exceed one hundred and sixty miles, eighty cents per ton.

For any distance over one hundred and sixty miles and not to exceed one hundred and sixty-five miles, eighty-two cents per ton.

For any distance over one hundred and sixty-five miles and not to exceed one hundred and seventy miles, eighty-four cents per ton.

For any distance over one hundred and seventy miles and not to exceed one hundred and seventy-five miles, eighty-six cents per ton.

For any distance over one hundred and seventy-five miles and not to exceed one hundred and eighty miles, eighty-seven cents per ton.

For any distance over one hundred and eighty miles and not to exceed one hundred and eighty-five miles, eighty-nine cents per ton.

For any distance over one hundred and eighty-five miles and not to exceed one hundred and ninety miles, ninety-one cents per ton.

For any distance over one hundred and ninety miles and not to exceed one hundred and ninety-five miles, ninety-three cents per ton.

For any distance over one hundred and ninety-five miles and not to exceed two hundred miles, ninety-five cents per ton.

For any distance over two hundred miles and not to exceed two hundred and ten miles, ninety-seven cents per ton.

For any distance over two hundred and ten miles and not to exceed two hundred and twenty miles, ninety-nine cents per ton.

For any distance over two hundred and twenty miles and not to exceed two hundred and thirty miles, one dollar and one cent per ton.

For any distance over two hundred and thirty miles and not to exceed two hundred and forty miles, one dollar and four cents per ton.

For any distance over two hundred and forty miles and not to exceed two hundred and fifty miles, one dollar and six cents per ton.

For any distance over two hundred and fifty miles and not to exceed two hundred and sixty miles, one dollar and nine cents per ton.

For any distance over two hundred and sixty miles and not to exceed two hundred and seventy miles, one dollar and eleven cents per ton.

For any distance over two hundred and seventy miles and not to exceed two hundred and eighty miles, one dollar and fourteen cents per ton.

For any distance over two hundred and eighty miles and not to exceed two hundred and ninety miles, one dollar and seventeen cents per ton.

For any distance over two hundred and ninety miles and not to exceed three hundred miles, one dollar and nineteen cents per ton.

For any distance over three hundred miles and not to exceed three hundred and ten miles, one dollar and twenty cents per ton.

For any distance over three hundred and ten miles and not to exceed three hundred and twenty miles, one dollar and twenty-four cents per ton.

For any distance over three hundred and twenty miles and not to exceed three hundred and thirty miles, one dollar and twenty-six cents per ton.

For any distance over three hundred and thirty miles and not to exceed three hundred and forty miles, one dollar and twenty-nine cents per ton.

For any distance over three hundred and forty miles and not to exceed three hundred and fifty miles, one dollar and thirty-one cents per ton.

For any distance over three hundred and fifty miles and not to exceed three hundred and sixty miles, one dollar and thirty-four cents per ton.

For any distance over three hundred and sixty miles and not to exceed three hundred and seventy miles, one dollar and thirty-six cents per ton.

For any distance over three hundred and seventy miles and not to exceed three hundred and eighty miles, one dollar and thirty-nine cents per ton.

For any distance over three hundred and eighty miles and not to exceed three hundred and ninety miles, one dollar and forty-one cents per ton.

For any distance over three hundred and ninety miles and not to exceed four hundred miles, one dollar and forty-four cents per ton.

For any distance over four hundred miles and not to exceed four hundred and ten miles, one dollar and forty-seven cents per ton.

For any distance over four hundred and ten miles and not to exceed four hundred and twenty miles, one dollar and forty-nine cents per ton.

For any distance over four hundred and twenty miles and not to exceed four hundred and thirty miles, one dollar and fifty-one cents per ton.

For any distance over four hundred and thirty miles and not to exceed four hundred and forty miles, one dollar and fifty-four cents per ton.

For any distance over four hundred and forty miles and not to exceed four hundred and fifty miles, one dollar and fifty-six cents per ton.

For any distance over four hundred and fifty miles and not to exceed four hundred and sixty miles, one dollar and fifty-nine cents per ton.

For any distance over four hundred and sixty miles and not to exceed four hundred and seventy miles, one dollar and sixty-one cents per ton.

For any distance over four hundred and seventy miles and not to exceed four hundred and eighty miles, one dollar and sixty-four cents per ton.

For any distance over four hundred and eighty miles and not to exceed four hundred and ninety miles, one dollar and sixty-six cents per ton.

For any distance over four hundred and ninety miles and not to exceed five hundred miles, one dollar and sixty-nine cents per ton.

Provided, that the above mentioned rates shall be for carload lots only.

In case any shipment of coal under the provisions of this section must pass over two or more lines of railroad to reach its destination, then an additional charge of two dollars and fifty cents per car for each transfer may be allowed and collected to cover cost of switching, and the total amount of freight and switching charges shall be divided among the several railroads concerned upon such basis as to them may seem just; provided, that if such railroads cannot agree among themselves upon an equitable division thereof, then the board of railroad commissioners shall decide the matter, subject to appeal to the courts.

Approved March 13, 1907.

CHAPTER 52.

[H. B. No. 220—Ueland]

COAL MINE INSPECTION.

AN ACT Amending Sections 7608 and 7609 of the Revised Codes of 1905, and Making the State Engineer Ex-officio Coal Mine Inspector of the State.

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

§ 1. AMENDMENT.] Sections 7608 and 7609 of the revised codes of 1905 are amended so as to read as follows:

§ 7608. STATE ENGINEER. APPOINTMENT. DUTIES. POWERS. QUALIFICATIONS. SALARY.] There shall be a state engineer, who shall be a technically qualified and experienced hydraulic engineer, to be appointed by the governor and such appointment confirmed by the senate. He shall hold office for the term of four years from and after his appointment, or until his successor shall have been appointed and shall have qualified. He shall not engage in private practice. He shall have general supervision of the waters of the

state and of the measurement and appropriation thereof, and shall receive a salary of two thousand five hundred dollars per annum and actual necessary traveling expenses while away from his office in the discharge of official duties; and until otherwise provided by law he shall be ex-officio state coal mine inspector, and it is hereby made his duty immediately after the taking effect of this act to make a thorough inspection of all lignite mines in the state that are being worked, and report to the governor in detail on each mine, the depth and thickness of the vein, the average number of tons mined daily and the annual output, the selling price per ton at the mine, the number of men employed and the wages paid, the manner of mining and the machinery used, the rate per ton paid for mining, the condition of each mine with reference to the safety of the employes, what mines, if any, are on school or institution lands, and such further information as he may deem proper to report; and it shall be the duty of every mine owner, superintendent or manager of every mine, to give the inspector free access to the mine and any information which he may desire with reference to the mine and its management. Whenever the board of university and school lands shall request the state engineer to investigate any particular piece of land granted to the state under the enabling act for the purpose of determining whether or not it is coal-bearing within the meaning of the constitution, it shall be his duty to do so and report his conclusions and the basis on which they are founded to said board; but in making such investigations and reports he shall, whenever practicable, call to his assistance and consult with the dean of the school of mines (college of mining engineering) and the professor of geology at the agricultural college.

§ 7609. ASSISTANT STATE ENGINEER AND EXPENSES OF STATE ENGINEER'S OFFICE.] The state engineer shall have power to appoint from time to time, during the season of the year when field work is practicable, one or more assistant engineers, one of whom shall be a graduate from one of the leading technical universities of the country, as a mining engineer, at a salary not to exceed one thousand eight hundred dollars per annum and actual and necessary traveling expenses while away from the office in the discharge of official duties. The state engineer may employ other and additional assistants and purchase materials and supplies for the proper conduct and maintenance of his office and department, in pursuance of appropriations as made from time to time for such purposes. The salaries and expenses of the office of the state engineer shall be paid at the same times and in the same manner as those of other officers of the state. The office of the state engineer shall be located at the seat of government.

§ 2. EMERGENCY.] An emergency exists, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1907.