

of this section are complied with. In such actions, the State, as Plaintiff, shall be designated as "The State of North Dakota doing business as the North Dakota Mill and Elevator Association" and the service of Process therein shall be made upon the Governor or the Attorney General, or in case of their absence from the State, upon the managing agent in charge of the operation of the Mill and Elevator. Such actions may be brought in the same manner and shall be subject to the same provisions of law as other civil actions brought pursuant to the Code of Civil Procedure. Such actions shall be brought, however, in the county where the Association shall have its principal place of business, except as provided in Sections 7415, 7416 and 7418, Compiled Laws of North Dakota of 1913. The provisions of Sections 375 and 657, of the Compiled Laws of 1913 shall not apply to claims against the state affected by the Provisions of this Act.

§ 9. DEPOSIT OF FUNDS.] All funds of the Association shall be deposited in the Bank of North Dakota.

§ 10. REPEAL.] Chapter 295 of the Session Laws of the State of North Dakota for the year 1923, and all other acts and parts of acts in conflict herewith, are hereby repealed.

§ 11. 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 24, 1925.

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## MINES

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### CHAPTER 164

(H. B. No. 266—Committee on Delayed Bills.)

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#### SURVEY OF MINES

An Act To Amend and Re-enact Section 31, Chapter 168, Session Laws of 1919 Relating to the Survey of Mines.

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

§ 1. AMENDMENT.] That Section 31, Chapter 168, Session Laws of 1919, is hereby amended and re-enacted so as to read as follows:

§ 31. ANNUAL SURVEYS.] An extension of the last preceding survey of every mine in active operation shall be made once in every twelve months, prior to July 1st of every year, and the result of said survey, with the date thereon, shall be promptly and accurately entered upon the original maps so as to show all changes in plat or new work in the mine and all extensions of the workings to the most advanced face or boundary of said workings which have been made since the preceding survey. The said changes and extensions shall be entered upon the copies of the maps in the hands of the State Coal Mine Inspector, or new copies thereof be furnished him within thirty days after the last survey is made. Whenever the operator of any mine shall neglect or refuse, or for any cause not satisfactory to the State Coal Mine Inspector fail, for a period of three months, to furnish to the said State Coal Mine Inspector the map or plan of such mine, or a copy thereof, or of the extension thereto, as provided for in this Act, the said State Coal Mine Inspector is hereby authorized to make or cause to be made an accurate map or plan of such mine at the expense of the owner or lessee thereof, and the cost of the same may be recovered by law from said owner, lessee or operator in the same manner as other debts, by suit in the name of the State. Provided, that in making such survey the State Coal Mine Inspector shall engage the services of a surveyor, resident of the county in which such mine is located. Provided, however, if said county has no surveyor then said inspector shall secure the nearest surveyor to the county in which such mine is located, and such surveyor shall not receive a greater compensation than \$15.00 per day, consisting of eight hours, and five cents per mile in going to and returning from said mine, which said compensation shall include the making of all necessary plats of said survey.

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 10, 1925.